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Wildland Fire Protection: Homes Versus Trees - Fighting Forest Fires in an Era of Limited Resources

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CALIFORNIA LEGISLATURE

ASSEMBLY COMMITTEE ON NATURAL RESOURCES

ASSEMBLYMEMBER BYRON D. SHER, CHAIRPERSON

INTERIM HEARING

WILDLAND FIRE PROTECTION: HOMES VERSUS TREES

FIGHTING FOREST FIRES IN AN ERA OF LIMITED RESOURCES



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INTERIM HEARING ON

WILDLAND FIRE PROTECTION: HOMES VERSUS TREES

FIGHTING FOREST FIRES IN AN ERA OF LIMITED RESOURCES

October 21, 1988

STAFF PRESENT

Jeff Shellito, Principal Consultant
Ann Boone, Committee Secretary

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BRIEFING PAPER
FOR
HEARING ON
WILDLAND FIRE PROTECTION:
HOMES VERSUS TREES --
FIGHTING FOREST FIRES IN AN ERA OF LIMITED RESOURCES

ASSEMBLY NATURAL RESOURCES COMMITTEE
BYRON D. SHER, CHAIRMAN
OCTOBER 21, 1988

ROOM 126, 10:30 a.m.
State Capitol
Sacramento, California

1. Introduction -- 1988 Fire Season Already Worse than 1987

Last month a series of three wildland fires in northern California blackened nearly 78,000 acres and destroyed 532 structures, including 161 homes. Damage costs for the 49er, Miller and Fern Fires have been estimated at \$27.7 million by the California Department of Forestry (CDF). Although the total number of acres burned during these three fire incidents was not extraordinary, the losses to homes and structures were among the highest on record attributable to wildland fires.

At the peak of the 49er Fire, which was started on September 11 by an illegal debris burn north of Nevada City, the department had over 2,700 people on the firelines, plus 240 fire engines, 12 helicopters, 10 airtankers and 66 bulldozers. The estimated cost for fighting the 49er Fire has been set at over \$5.5 million.

The Miller Fire was arson-caused and began on September 17 north of Vacaville in Solano County. More than 2,000 fire fighting personnel were involved at the peak of the suppression effort, plus 199 engines, 9 airtankers, 6 helicopters and 18 bulldozers. Suppression costs have been estimated at \$3.6 million.

The Fern Fire, which started from an arcing powerline in Shasta County, required the efforts of nearly 1,200 fire fighting personnel. Equipment used included 95 fire engines, 6 airtankers, 6 helicopters and 26 bulldozers. Total suppression costs for the Fern Fire exceed \$2.2 million, according to CDF.

Although the 1987 fire season blackened almost 1 million acres in California, most of this occurred on federal forest lands administered by the U.S. Forest Service. This year, however, has proved to be a much worse fire season for lands under CDF's fire protection responsibility. To date, more than 208,000 acres of CDF-responsibility lands have been burned by wildland

fires, compared to less than 70,000 acres at this time last year. The number of fire incidents and acreage burned thus far this fire season has already exceeded the average for the last five years. In addition, the large number of structures and homes lost during the 49er Fire have made that wildfire incident one of the worst on record.

2. CDF Wildland Fire Protection System -- Shrinking or Expanding?

The Department of Forestry is currently responsible for prevention and control of wildfires on approximately 36 million acres of primarily privately-owned timber, range and brushland that has been legally designated as state responsibility area (SRA) by the Board of Forestry. Of this, CDF provides direct fire protection services on about 27 million acres of SRA land, with the balance protected under cooperative agreements by the U.S. Forest Service, Bureau of Land Management (BLM), and several counties.

Currently, the entire cost of fire protection provided to SRA lands is financed from the state's General Fund. Unlike other western states, California does not require landowners benefiting from this protection to contribute directly toward this on-going expense, which in fiscal 1987-88 cost taxpayers over \$200 million. These funds support CDF's operation of 220 fire stations, 72 lookouts, 8 helitack units, 13 primary air attack bases, and fire crews at 35 inmate conservation camps and 2 California Conservation Corps (CCC) fire centers.

The department also protects 3.6 million acres of federal land, primarily national forests, on a reimbursement basis from the U.S. Forest Service and BLM. In addition, the department provides structural fire protection and paramedic services in 31 counties on a contractual basis.

CDF statistics indicate that the annual number of fire incidents have more than doubled during the past 20 years. Despite this overall trend, the resources available under the CDF fire protection system to meet this workload have remained relatively unchanged. In some instances, operations have been reduced in response to administratively-imposed budget reductions. Since 1978 CDF has closed five of its wildland fire stations altogether, limited operations of some stations to periods of severe fire weather, reduced nine stations from two-engine to one-engine status, and closed seven lookouts. The impact of these operational cutbacks on the department's fire protection mission is unclear. During this same time period there has been an expansion in the system of conservation camps operated jointly with the Department of Corrections, increasing the number of inmate fire crews available for wildland firefighting efforts.

3. Additional Resources Recommended by 1986 Fire Plan

In 1986 the Board of Forestry adopted a new Fire Plan designed to (1) provide for adequate statewide fire protection on state responsibility area

lands, (2) guide the organization and placement of fire protection resources under the control of CDF and cooperative agencies, and (3) relate the level of funds budgeted for fire protection to established objectives and performance measures. This was the first time the Fire Plan had been revised since 1969.

One purpose of the Fire Plan was to establish a minimum level of statewide personnel and equipment needed to respond when multiple, large fires occur simultaneously in different parts of the state. Although many of the fires initially started on federal land, such conditions occurred during August and September last year and during the summer of 1985. The Fire Plan also projected an increase in wildland fire incidents of 27 percent by 1990 and 47 percent by the end of the century.

To meet basic wildland fire protection needs, the Fire Plan called for major increases in funding and personnel for CDF's fire control infrastructure. This included 33 additional full-time staff positions and 44 new reserve fire engines. No additional funds, however, have ever been provided to address these personnel and equipment deficiencies.

4. Drought-Year Budget Actions

Despite the lack of funding to address deficiencies identified in the 1986 Fire Plan, during the last two fiscal years CDF has received supplemental budget augmentations in response to severe fire conditions caused by the drought. In 1987, state and federal funds were provided to allow CDF and the Forest Service to mobilize their fire control forces earlier than usual in anticipation of an early and more severe fire season. The Department of Forestry also sought a \$3.7 million budget augmentation to hire additional fire prevention personnel and increase the level of staffing for its statewide fire engine crews throughout the 1987 fire season. Despite initial disapproval by the Department of Finance, supplemental funding for this purpose was eventually provided by the Legislature through passage of AB 1636 (Sher). The Governor, however, vetoed \$2 million in signing the measure.

Due to continuing drought conditions in 1988, the Governor also authorized early activation of CDF's seasonal fire control operations and hiring of fire fighters during the spring. In addition, supplemental funding was requested in the 1988 Budget Bill to enhance CDF's initial attack capability by adding a fourth firefighter to each of the department's 344 fire engines. In signing the Budget Bill, the Governor reduced the 1988 fire season augmentation from \$5.3 million to \$3.7 million. This eliminated funds for approximately 125 seasonal firefighting positions. Other budget reductions imposed through exercise of the Governor's "blue pencil" on the Budget Bill may require CDF to close some of its fire lookouts during the 1988-89 fiscal year.

5. Protecting Homes From Wildfires -- Recent Legislation

SB 78 (Ayala). In 1981, the Legislature passed SB 78 (Ayala), which requires (1) the Department of Forestry to prepare fire severity hazard ratings for wildlands in California, and (2) the State Fire Marshal to adopt regulations establishing building standards for fire resistant roof coverings and attic openings for construction of structures located within these fire hazard severity zones.

Pursuant to this legislation, in 1985 CDF completed preparation of numerous maps identifying hazardous fire zones in 1985. Shortly after that, the Fire Marshal adopted tentative building standards for each of these three zones. Final implementation of the SB 78 regulations did not occur until earlier this year. According to CDF officials, the seven-year delay was caused by building industry opposition and the imposition of additional procedural requirements by the Building Standards Commission, which must review and approve all building standards.

The regulations finally adopted by the Fire Marshal only require the lowest of three classes of fire-resistant roofs to be installed on new homes within CDF-responsibility areas. The regulations also include a local appeals process authorizing local authorities to adjust fire hazard severity zones. According to the State Fire Marshal, final authority for review and disposition of a such appeals rests with the Building Standards Commission. Implementation of the new regulations may also be a problem because, according to the Fire Marshal, the enabling legislation does not designate an enforcing authority for ensuring compliance during new construction or when re-roofing of existing projects occur. The Fire Marshal also indicates that enforcement may be complicated unless local jurisdictions have ready access to CDF fire hazard severity zone maps.

SB 1075 (Rogers). In 1987 legislation was enacted requiring the Board of Forestry to adopt regulations establishing minimum fire safety standards pertaining to perimeters and access to all residential, commercial and industrial building projects within SRA lands after July 1, 1989. Under the provisions of SB 1075 (Rogers, 1987), the new regulations may not prescribe building standards, but must include all of the following:

- o Road standards for fire equipment access.
- o Standards for signs identifying streets, roads, and buildings.
- o Minimum private water supply reserves for emergency fire use.
- o Fuel breaks and greenbelts.

Specifically exempted are areas where building permits were filed prior to July 1, 1989 and areas where a parcel or tentative map or other developments had already received prior approval.

SB 2190 (Dills). This year the Legislature also approved another measure designed to require greater consideration of wildland fire hazards by local government in their general plans and land-use decisions. Under the provisions of SB 2190 (Dills, 1988), sponsored by the Board of Forestry, cities and counties would be required to (1) identify areas subject to wildland fire in the general plan land use element, (2) address wildland fire safe areas for evacuees and areas of vegetation modification in the safety element, and (3) submit the safety element to the Department of Forestry for its review. The new requirements would be applicable to any new updates of general plans conducted by local government after January 1, 1990. However, SB 2190 was vetoed by the Governor.

6. Focus of Interim Hearing

In view of the large number of homes and structures recently lost to wildland fires in Northern California, there is renewed concern over current policies governing protection of subdivisions by the Department of Forestry. Increasingly, wildland firefighting efforts have focused limited personnel and equipment on saving homes while allowing forests to burn. Due to poor planning in areas subject to wildfire, fleeing residents on narrow access roads block fire equipment and emergency vehicles. Protection of structures during major wildfire conflagrations also can expose CDF firefighters to greater personal risk and injury. Development in wildland areas of California also limit CDF's ability to use so-called "backfire" methods or prescribed burning as a management technique to reduce hazardous fire conditions.

In considering these issues, some of the questions to be examined during the interim hearing include the following:

- o Do state and federal fire agencies have sufficient resources to adequately protect California's wildland areas, as well as the increasing number of poorly-planned subdivisions and structures being built in these areas?
- o Is the state's wildland fire protection system keeping pace or falling behind in the face of continuing population growth and increasing number of fire incidents?
- o Were the California Department of Forestry (CDF) and U.S. Forest Service adequately prepared for the fire conditions caused by a second-consecutive drought year?
- o Could CDF have used the \$1.5 million severe fire season augmentation and 125 additional positions vetoed by the Governor from the 1988 Budget Bill?
- o Will additional cutbacks be required this fiscal year, such as closures of fire lookouts, due to "blue-pencil" actions of the

Governor?

- o What is currently being done and what additional steps could be taken to reduce the exposure of structures and damage to homes caused by wildland fires?
- o Should the Subdivision Map Act be revised to require CDF review and approval of the fire-safety aspects of development projects proposed for state-responsibility wildland areas?

Sacto Bee
10-19-88

Reforestation efforts imperiled

Trust fund raids put projects at risk; new funding plan offered

Associated Press

WASHINGTON — The Forest Service has raided a key reforestation trust fund to cover more than \$500 million in fire-fighting expenses over the past two years, and the agency's budget director said Tuesday he's not sure where the money will come from if next summer is a bad fire season.

"The problem is where are we going to get funds to fight fires in 1989," said John Leasure.

Leasure's comments came as an Oregon congressman introduced legislation Tuesday that would create a special fund to cover the Forest Service's fire-fighting expenses.

Democratic Rep. Peter DeFazio said that under his bill half of the agency's receipts from timber sales in national forests and other fees would be deposited in the special emergency fire-fighting trust fund. Money left in the fund after the fire-fighting costs were paid would be turned over to the U.S. Treasury.

"As it is now, the potential for disaster is immense," said DeFazio. "We might not have money for reforestation or to fight fires. The present system just isn't working."

The Forest Service has traditionally sought only a token amount for fire-fighting costs in its annual budget. The agency would borrow from one of its other accounts if more money was needed and then ask Congress later for additional funding to repay the account.

DeFazio said, however, that a budget agreement be-

tween Congress and the Reagan administration essentially eliminated the possibility of any supplemental appropriations, and that any effort to secure additional funding to cover fire-fighting costs could "trigger" the automatic budget cuts established under the Gramm-Rudman act.

"It's a mess," DeFazio said.

Recently, the Forest Service has been borrowing heavily from the so-called Knutsen-Vanderberg trust fund. Fees timber operators pay when they log in national forests are deposited in that fund and the money is earmarked for reforestation projects.

Over the past two years the K-V fund has been drawn down from a high of about \$800 million to a current level of about \$120 million, Leasure said.

Collections from the timber harvesters during the current fiscal year should add between \$175 million to \$200 million to the K-V fund, or barely enough to cover the cost of reforestation projects.

"We don't expect any difficulties paying for reforestation in (fiscal) 1989, but it's obvious the trust fund has been drawn down to just operating levels," said Leasure.

Leasure said the administration had yet to review DeFazio's legislation but admitted the entire issue of paying for fire-fighting costs and reforestation was "an issue of concern to us and many people."

Leasure said that a total of \$508 million was taken from the K-V fund to pay for \$400 million in fire-fighting costs this year and \$108 million from last year.

Newest challenge in the war against wildfires — people

By Nancy Weaver
Bee Staff Writer

Glowing embers carried by the wind ignite a shake roof within seconds. A wall of fire sweeps up a steep slope and swallows a scenic ridgetop home. Landscaped hedges burst into flames.

As minutes pass like seconds, fire trucks struggle down narrow country lanes blocked by hundreds of people fleeing for their lives.

That was a common scene during last week's Nevada County 49er Fire. And as more and more people settle in the state's pristine wild lands, fire officials predict that the scene will be replayed.

As subdivisions and mountain homes creep closer to the woods, raging wildfires in California pose a new more threatening danger to the lives of residents and firefighters.

Fire officials estimate that 7 million people live in California's scenic wild lands — a number that has more than doubled during the past ten years. In another five years, that total will be near 10 million, state officials say.

They live and work in an estimated 1 million to 2 million structures nestled in Northern California's Sierra foothills, all along the coastal range and other wild lands in Southern California.

"This (fire) is the classic. This is what we've been preaching about the past several years. This is just the forerunner," said Jerry Partain, director of California Department of Forestry and Fire Protection.

"This is the wildfire of the 1990s," he told a crowd of weary firefighters in Grass Valley last week.

See FIRE, page B2

Fire

Continued from page B1

CDF fire fighting crews spent the first couple of days saving homes instead of trying to contain the quickly spreading fire, which destroyed 119 dwellings and charred 35,300 acres totalling \$12 million in damages.

"We now have to commit engines and even air tankers to saving the structures. Every engine we commit is one less we have to fight the fire," said CDF division chief Frank Bates, who led last week's fight.

Bates said only about half of the homes in the line of the fire had adequate protection such as fire retardant roofs and adequate clearance of flammable shrubs. Homeowners who forsake fire safety measures for rustic charm may lose everything as fires burn more than trees in the years to come.

"We're not going to have enough to put a fire engine at every house. They've learned over the last couple of weeks that we can't do that," said Robert Burham, fire suppression officer for the Bureau of Land Management. "The scenario is going to become frighteningly similar."

The disastrous fire, started by a transient, swept through the areas of Lake Wildwood, Rough and Ready and Penn Valley in Nevada County, pushing the state's number of fires this year beyond last year's count.

The department of forestry has bottled 8,200 fires so far which have scorched 110,000 acres of timberland, said Jack West, chief of CDF's fire planning and research. He said last year's 8,062 fires swept through only 87,000 acres.

In nearly all of those fires, homes or offices were threatened, West said. Fire officials call it the problem of "urban interface" — where the wild lands meet neighborhoods.

West recalled thinking, as he looked at acres of exclusive homes stretched throughout the rolling hills surrounding Lake Wildwood, "this is totally insane."

'This (fire) is the classic. This is what we've been preaching about the past several years. This is just the forerunner. This is the wildfire of the 1990s.'

—Jerry Partain, director of California Department of Forestry and Fire Protection

As more and more trucks and firefighters are ordered to save homes, "the fire keeps getting bigger and bigger," he said.

Bill Holmes, a CDF official from Butte County who raced from one hot spot to another directing field operations at the 49er Fire, said the lack of adequate precautions taken by homeowners jeopardized the lives of his firefighters.

He saw homes destroyed by the fire because of quaint shake roofs that offered no resistance to flames. "It's kiln-dried lumber. It's like putting kindling on your roof," he said.

Nevada County has banned shake roofs on all new construction, but such requirements don't apply to existing roofs, said county supervisor Jim Weir. He estimated 30 percent of the older homes have non-fire resistant wood shingle roofs.

Other protective measures for homeowners include eliminating shrubbery close to homes, planting fire-resistant vegetation, trimming low and dried tree limbs and removing pine needles.

Builders may be required in the future to include more costly and better fire safety provisions in new subdivisions — better road access, increased water supply and fire resistant roofs.

The State Board of Forestry is put-

ting together minimum fire safety standards for the 35 million acres in California under its jurisdiction.

And state fire officials are waiting for the governor to sign into law a bill that requires counties to consider effects of wild-land fires when updating general plans for development.

Dan Lang, a fire prevention engineer for the forestry department, said he expects opposition to the safety requirements applying to new construction.

"It does cost money to make these kinds of improvements. Anything that is going to increase the cost of development is going to be opposed by the developer, the homeowner and the builder," Lang said.

A spokesman said the California Building Industry Association can't comment on the proposed standards because they haven't been released.

Just recently, the state fire marshal began requiring that minimum-level fire resistant roofs be installed on new homes in the 35 million acres overseen by the state. That level, the lowest of three classes of fire-resistant roofs, took about seven years to get approved because of heavy opposition from wood product manufacturers, said Dave Walizer, assistant state fire marshal.

Walizer said the fire marshal's efforts to implement a higher standard failed.

Harry Abney of the Red Cedar Shingle and Handsplit Shake Bureau — a quality control organization for 300 shake and shingle mills — worked with state officials to develop that standard.

Abney said his group opposed the higher standard because, he said, evidence shows that more stringent requirements don't provide any more protection against fires. His organization recommends factory-treated, fire-resistant shake roofs for all wild-lands areas as allowed by the new state standard.

Wildfires may get some homes, but many can be saved, said Richard Schell, division chief of the state's Fire Safe program. Homeowners can get help from a booklet called "Fire Safe," available from their local fire ranger.

"Some of them we just can't protect," said Partain last week in Nevada County as he stood in front of a map showing the 49er Fire's path. "It will continue to happen in the future."

49er Fire damage tops \$15 million

By Patrick Hoge
Bee Staff Writer

Federal, state and county investigators raised their estimate of damage caused by the 49er Fire that ripped through Nevada County last week to \$15.5 million, estimating that as many as 150 houses were consumed by the blaze, according to Rep. Wally Herger.

As a result, Herger, R-Rio Oso, predicted Gov. Deukmejian will ask President Reagan as early as Monday or Tuesday to declare the Grass Valley-Nevada City area a national disaster site. Such a declaration would make the fire's victims eligible for low-interest relief loans, he said.

"This is the most devastating fire in Nevada County's history, and I think that kind of assistance is going to be necessary," said Herger, who flew over the 35,300-acre fire site early in the day.

Deukmejian already made state disaster funds available to victims of the blaze Tuesday.

Bev Passarello, a spokeswoman for the state

Office of Emergency Services, agreed that the OES will probably recommend that Deukmejian ask for a national disaster declaration. But according to Passarello, the total amount of uninsured loss — not total damage — will determine the need for federal disaster assistance.

Many structures were so badly burned that it has been difficult to determine whether they were even homes, said Tom Mullins, an OES spokesman. "What we want people to do right now is go to the command center in Grass Valley and tell us if they lost their homes, and whether or not they were insured," he said.

Investigators from the Federal Emergency Management Agency, the state OES and various county departments have been working since Thursday trying to determine the precise number of homes destroyed, California Forestry Department spokesman Dave Tipton said. They will start tallying damage to wild lands today, he said.

"As bad as it was, we're very lucky that more of the 4,000 to 5,000 houses near the fire didn't burn," said Herger. "There were places where

the flames were stopped right at the edge of houses."

Although the 49er fire was 100 percent controlled Saturday, more than 600 firefighters remained on duty to prevent a rekindling of the flames, Tipton said.

"We've had a couple of small flare-ups, and that's to be expected with a fire this size," he said. "We're expecting some strong northern winds soon, however, and we just don't know what's going to happen — that'll be the real test."

By Friday, the state had spent more than \$4.5 million suppressing the fire. In addition, the Red Cross had spent \$51,233 on relief efforts, which are expected to last another two weeks, Red Cross spokeswoman Elizabeth Quirk said.

If the federal government does not declare the area eligible for disaster relief funds, she predicted Red Cross expenditures would run far higher.

"We'll be here until everyone's needs are taken care of," she said.



BY ASSOCIATED PRESS

A message of thanks to the California Department of Forestry was bulldozed into a field

Fire Crews Upset by 'Ones They Lost'

By Kenneth Gosting
Chronicle Correspondent

Grass Valley,
Nevada County

Despite a huge "thank you" message bulldozed into the charred Sierra foothills, fire captains yesterday reported that crews that fought the Forty-Niner inferno are suffering depression over the devastation.

Damage estimates for California's worst fire of the year rose yesterday to \$3,500 acres burned, \$30 million in losses, including 178 residences, according to the California Department of Forestry and the Red Cross.

"People are so nice, and thank us for saving homes, but I keep thinking about the ones we lost," said ranger Tony Clarabut, a state forestry battalion chief.

Clarabut, who commanded the initial firefighting efforts in gale-force winds on September 11, said that firefighters report feeling "down" as they get more free time to reflect on the disaster.

Nancy K. Graham, founder of the field of psychotraumatology, a new psychological discipline dealing in part with the effects of disasters, suggested that emergency agencies sponsor "debriefing sessions" for the firefighters.

"One of the best psychological reasons for becoming a firefighter is that almost always you're a hero," said Graham, a psychological social worker at St. Francis Hospital in Lynwood (Los Angeles County). "But when there is major destruction from a fire, firefighters need constant reassurance for months afterward."

More than \$100,000 has been raised locally to cope with any

needs that cannot be met by the government or the Red Cross.

Much of the money was raised through a "thanksgiving party" attended by 12,000 to 15,000 people on Sunday at the Nevada County Fairground in Grass Valley. The event also was meant to honor the 3,800 firefighters and National Guard pilots who had saved an estimated 4,000 homes from the flames.

However, because of a statewide emergency created by a new round of blazes, state and federal

crews had to leave just before the event began.

On their way to the distant new infernos, firefighters on the convoys of trucks could see dozens of signs, thanking them for their efforts in the Sierra.

One of the messages was written in huge letters by a rancher who had used a tractor on a burned-over field to turn up earth and write a giant message. "Thank you, CDF," it read, in reference to the California Department of Forestry, the agency with primary responsibility for the firefighting efforts.

Gold Country firefighting decried

McClatchy News Service

SACRAMENTO — Some residents of Nevada County are charging state firefighters and the Penn Valley Fire Department with misconduct and dereliction of duty in the way they battled the \$3,500-acre Gold Country blaze last month.

Sixty-five homeowners in the \$3-square-mile fire area signed a petition that charges poor allocation of firefighting equipment and contends residents were wrongly kept from protecting their houses.

Homeowners presented the peti-

tion last week to the Nevada County Board of Supervisors and sent copies to the California Department of Forestry.

Fire officials declined to comment on the petition, which asks for an investigation.

The fire destroyed more than 100 homes and blackened thousands of acres of scenic foothill land.

"All we're asking for is a review of all their fire policies," said John Personant, a 75-year-old lifetime resident of the area.

CHAIRMAN BYRON D. SHER: This is an interim hearing of the Assembly Natural Resources Committee.

We expect other Members of the Committee to arrive shortly. I want to welcome Assemblyman Chandler, who, although not a Member of the Committee, has a vital interest in this subject. So, we're glad to have you with us today, Assemblyman Chandler.

I want to also welcome the invited witnesses to today's interim hearing. The subject is Wildland Fire Protection -- "Homes Versus Trees -- Fighting Forest Fires in An Era of Limited Resources."

I'll start by noting that this is the third oversight hearing touching on the subject of wildland fires that the Committee has conducted during the last 2 1/2 years. In 1986, the Committee examined the impact of the 1985 fire season, during which nearly 700,000 acres in California were burned, and 250 homes were lost. We also heard from witnesses at that hearing on the potential impact of budget cuts on cooperative state and federal firefighting efforts, which were dictated by the Gramm-Rudman provisions passed by Congress three years ago.

That was our first hearing, a year ago this month. We focused on the tremendous task of rehabilitating forestlands devastated by the 1987 fire siege, during which over 800,000 acres were burned. That hearing led to the introduction and passage of Assembly Bill 2720, which provided funds to reforest some of the state responsibility lands that were damaged by those 1987 fires. That measure, which enjoyed overwhelming bipartisan support in the

Legislature, also authorized conservation camp inmates and wards in the juvenile justice system to be used in replanting those burned-over forests. Unfortunately, the Governor recently vetoed that bill, AB 2720.

Now, coming to today's hearing, the loss of nearly 200 homes and structures to forest fires this year -- most notably as a result of the so-called "49er" fire and the Miller fires -- has once again called attention to the tremendous population growth occurring in our rural counties and the exposure to wildland fires shared by increasing numbers of Californians. It has also brought into focus the problem facing state and federal fire officials, namely, protecting rural homes and subdivisions when major fire storms occur.

It is a dilemma, because state and federal agencies are increasingly being called upon to protect homes in those areas, sometimes exposing firefighters to great personal risk and injury, when, in fact, wildland firefighting techniques might very well dictate a different course of action; that is, fighting the fires in a way that would not protect the homes. It's really a "no-win" situation, because sometimes, there just aren't enough fire crews and engines available to protect every house, to say nothing of subverting the primary mission of the California Department of Forestry, which is to protect the wildland.

Some have questioned whether the California Department of Forestry should even be expected to provide structural fire protection, which has traditionally been a local government responsibility. It has also been suggested by some that the

Department's current fire protection system indirectly subsidizes development in California's wildland areas.

Well, we're going to be examining a number of these questions today. Among the questions we want to look at are: First, do state and federal wildland fire agencies have sufficient resources to adequately protect California's wildlands, as well as the increasing number of subdivisions and structures being built in these areas? Is the wildland fire protection system keeping pace or falling behind, in the face of continuing population growth in these areas?

A second question we want to look at is the question of whether the Department of Forestry and the U.S. Forest Service were adequately prepared for fire conditions caused by a second consecutive drought year.

Thirdly, I'd like to have some testimony on whether the California's Department of Forestry could have used the \$1.5 million in severe fire season augmentation and the 125 additional positions, which were vetoed by the Governor from the 1988 budget bill. Will additional cutbacks in fire protection, such as lookout closures, be required this fiscal year, because of the Governor's budget cuts?

A fourth question is, what is currently being done, and what additional steps could be taken, to reduce the exposure of structures to damage caused by wildland fires?

A fifth question is, why did the Governor veto Senate Bill 2190 by Senator Dills, which would have required local government to take better account of wildland fire hazards in

their general plans and land-use decisions? Was there pressure by interest groups or the administration that thwarted this effort by the State Fire Marshal to require tough building standards for structures in hazardous wildland fire areas?

All of us -- and especially legislators, such as Assemblyman Chandler, whose constituents lost homes to the "49er" and the "Miller" fires -- will be interested in learning the answers to these questions. Hopefully, we will learn what steps can be taken in the Legislature -- through the budget process, as well as any necessary changes in the law -- to improve our wildland fire protection system, and to reduce losses to property and natural resources.

Let me introduce and welcome Assemblyman Frizzelle to our Committee meeting. We're glad to have you with us.

At this point, we're going to go to our witnesses. I would like to ask those who testify to speak clearly and into the microphone; we are recording this interim hearing of the Committee.

Secondly, for members of the public who are not listed on our agenda, but who wish to testify, we have a sign-up sheet at the Sergeant's desk, to my left -- to your right. We would appreciate your letting the Sergeant know that you wish to testify. We will call on you after we have heard from the listed witnesses.

So, at this point, I would like to invite our first witness to come forward. He is Mr. Harold Walt, Chairman of the California Board of Forestry.

Mr. Walt, we're glad to have you with us, and welcome.

MR. HAROLD R. WALT: Mr. Chairman,...

CHAIRMAN SHER: ...Mr. Walt.

MR. WALT: ...can you hear me, sir?

CHAIRMAN SHER: Yes. I think it's on.

MR. WALT: Mr. Chairman, my name is Harold R. Walt. I'm Chairman of the California State Board of Forestry. This gubernatorially-appointed Board of nine Members provides policy and regulatory guidance to the California Department of Forestry and Fire Protection. With me today are Roy Berridge, Board Member and Chairman of the Board's Resource Protection Committee, and Dean Cromwell, the Board's Executive Officer.

I wish to thank you, Mr. Chairman, and Assemblyman Chandler, Assemblyman Frizzelle, and staff, for the kind opportunity you have afforded us to testify. Your hearing is timely, the topics are extremely important, and you're certainly to be commended for the public service here.

As a brief background, the Board has been very active in fire policy for the past five years. We have toured California extensively and have seen the effects of the rapid demographic changes going on. Movement of people into the "State Responsibility Areas", commonly called "SRA", and representing the area where the Department is financially responsible for wildfire protection, has been great. We have more people and far greater problems, both in planning to deal with wildfires and in actually fighting them. As you may be told many times in this hearing, the recent "49er" fire near Grass Valley is just "the tip of the

wildfire iceberg". There are hundreds of places like this area in California that will burn like kerosene when -- not if -- the conditions are right.

These are right under our noses -- places like the hills behind Vacaville, which just burned, or the East Bay hills near North Berkeley and Tilden Park. I just toured this area with Dr. Harold Biswell, Professor Emeritus from the University of Berkeley and a world-reknown wildfire expert. The fuel load and the maze of development in this area is frightening, as is Dr. Biswell's opinion that the area is ripe for a wildfire disaster. I want to re-emphasize this point: The potential for wildfire disaster is right under our noses. I just hope that we do not have to have our noses rubbed in disaster to see it.

During the last five years, the Board has worked closely with the Department, which I will refer to as "CDF", to substantially revise the Fire Plan, which guides the fire protection efforts of the Department. The Board has also rewritten all of the Department's fire policies to take account of the changes in firefighting strategies and demands for emergency services rising from more people living in these wildland areas. The Board has dealt with policy issues raised by the Department of Finance in a 1986 program audit and has both supported and sponsored legislation regarding the wildland fire problem. For example, our most recent annual report to the Legislature largely was devoted to a description of the continuing wildland fire threat and to steps that could be taken by you to deal with the issue.

I also want to note for the record that we should be proud of our public agencies who work together to deal with wildland fires. I think that at the federal level, especially, the Forest Service deserves credit. In the last few years, they have faced some very serious wildfire tests across the nation and have done very, very well. At the state level, there has been very good cooperation between CDF, the Office of Emergency Services, the California Highway Patrol, the Department of Corrections and the National Guard on major fires. The State Fire Marshal has worked with us closely in other key ways. Local fire agencies, sheriffs' offices, police departments, and other county officials have been of great assistance. I should also like to cite the efforts of the timber industry, loggers, and countless volunteers who help make our system work. Sure, there are still problems of coordination and differences of view about how to fight fire, but the system works well, especially under stress.

With this background, Mr. Chairman, let me briefly address the issues that you asked about in your letter of September 20. After speaking to these items, I would like to close with a plea for continued legislative action related to planning for wildfire.

At the request of CDF and the Board, the Legislature passed Senate Bill 1075 by Senator Rogers in 1987. This bill requires the Board to adopt minimum statewide standards for defensible space in SRA. Defensible space means an area around structures that gives firefighters a greater chance to stop incoming wildfires, or to contain structural fires that threaten

to escape into the wildlands. Defensible space is best defined by good access roads with two ways in and out, clearly identified streets and homes, reliable and available water supplies, and maintained fuel breaks and greenbelts. Thus, SB 1075 empowered the Board to set minimum standards for each of these factors.

Because of our concern over cost and other factors, we have followed a slow and deliberate process in developing these regulations. CDF and the Board have held many workshops and briefing sessions to inform local government officials and the public. We have gathered ideas, and we have just released a draft regulation soliciting wide public comment. The copy of this draft is attached to my testimony, Mr. Chairman. We plan to take comments on this draft and to develop a formal proposal for hearing early next year, with the hope to have regulations in effect by summer of 1989.

We are still looking at questions relating to enforcement. Some review will be necessary at the tentative map stage of proposed subdivisions. More detailed review will be necessary at the time of building inspection. There will be an added burden on the Department and possibly on local officials, especially county planners and building inspectors. To a degree, we believe that local officials can charge additional local fees to offset any added cost. We anticipate working out the arrangements for each ranger unit, but the issue of enforcement is still a real one.

This year, the Board sponsored Senate Bill 2190, by Senators Dills and Campbell. The bill would have more

specifically required local governments, as appropriate, to consider the threat of wildfire as part of their general plans. The bill was passed by the Legislature, but was vetoed by the Governor, because of its local fiscal mandate, and because he believed that it was inappropriate to make such a general mandate on all local governments.

Frankly, Mr. Chairman, we are disappointed by the Governor's veto. As a policy board, we believe that the costs are utterly insignificant when compared to damage caused by a wildfire. The 33,500-acre "49er" fire alone caused an estimated \$23 million in damage and cost about \$5.6 million to put out. This is many times the most liberal cost estimates of Senate Bill 2190.

We also believe that local governments share an obligation to plan wisely for wildfire when the state is financially responsible for wildfire protection. SB 2190 was written in a manner that it would apply only where there was a problem with wildfire, not elsewhere. It was an expression of legislative intent that the local planning process deal more thoroughly with the wildfire threat. The safety of our firefighters and rural residents demands this special consideration. If current planning law, either as written or implemented, is adequate, why do we still have over 20 counties without much discussion of wildfire in their general plans? Thus, we respectfully urge the Legislature to again consider a bill like SB 2190, and to convince the Governor of its importance, despite the minor fiscal costs.

CHAIRMAN SHER: If I can just break in, there...I told Mr. Frizzelle that I wouldn't break in on your testimony...Don't just ask the Legislature to convince the Governor; you're in a better position, Mr. Walt -- and the Board of Forestry -- to convince the Governor than we are. I just thought I'd throw that in as an aside. So, we'll work together to convince him.

MR. WALT: We will work together, Mr. Sher. We...

CHAIRMAN SHER: As long as I interrupted, why don't you go ahead and ask your question?

ASSEMBLYMAN NOLAN FRIZZELLE: I wanted to ask you if it's possible, in view of the fact that most local governments have already fire contingency plans that apply to their local areas, if we're really extending the requirement that general plans do take care of that, and if we are, can they be made specific to those areas that are threatened, primarily, so that other areas don't feel caught under the same mandate? Is there any way we can designate or define those kinds of parameters of who is affected?

MR. WALT: Yes, a thoughtful point, Mr. Frizzelle. I think we can. As I said, the bill applies only where needed. San Francisco County, for example, would not apply at all.

ASSEMBLYMAN FRIZZELLE: Well, "where needed" is so lacking in definition itself. "Where needed" can be interpreted any way at all. All local governments can interpret that as a mandate on them. If, in the bill that you would like to see promoted -- and I agree with you -- we could be more specific about what we mean by "where needed",...

MR. WALT: Yes...

ASSEMBLYMAN FRIZZELLE: ...I think that, possibly, we'd have a much better leverage on the Governor's "blue pencil".

MR. WALT: Yes, I think you're exactly right. We have been trying to do that, and we'll try harder. For example, we've worked very closely with the Orange County fire group, where we have very close cooperation...

ASSEMBLYMAN FRIZZELLE: ...I think in a lot of counties, you have; and I know in a lot, you don't. We'd like to help you do that...

MR. WALT: All right...

ASSEMBLYMAN FRIZZELLE: ...and I think the Governor could be brought around, certainly, on a basis of specific communities that need to address this...

MR. WALT: ...Absolutely. I agree, sir. Thank you.

May I continue?

CHAIRMAN SHER: Yes, please.

MR. WALT: Mr. Chairman, you asked in your letter how the deficiencies in the state's wildland fire protection system identified by our plan have been addressed by our Department. Let me say that CDF has been very responsive to our recommendations.

Let me give you a few examples: CDF has instituted an aggressive information collection and computer modeling program to strengthen the analytical base for programs. This is an ongoing refinement of the methodology used for analysis and comparisons in the Fire Plan. Implementation is planned for this winter with CDF Ranger Units, and later will be extended to SRA lands protected by

the Forest Service, and by the Contract Counties. The Board has been very pleased with the improving analytical base and implementation process. I might say that CDF has been working with "high-tech" firms, such as (INAUDIBLE) and "high-tech" agencies, such as NASA, to come up with some very innovative and imaginative programs.

CDF's Fire Prevention Program has developed a planning process, which is based on ignition management and loss reduction. These will be identified through an analysis of risks, hazards and values. This analysis will indicate priorities where fire prevention work will be most effectively applied.

Effective January 1 of next year, CDF's Cooperative Fire Protection Agreements with the U.S. Forest Service and the Bureau of Land Management will be combined under one umbrella agreement. This master agreement will provide uniform treatment and policy for activities with these federal agencies.

And, finally, CDF has established the Sacramento Multi-Agency Coordination Center, better known as "SACMAC". When statewide fire activity is taking place, the Center provides coordination of intelligence and allocates total statewide fire resources among CDF, the Forest Service, BLM, the National Park Service, and other entities that may be involved.

CHAIRMAN SHER: Mr. Walt, may I break in here, before you go to your next point...?

MR. WALT: Please.

CHAIRMAN SHER: Those are all important initiatives, but they mostly are on paper -- coordination, inter-agency plans,

refinement of programs. But, what about the "hardware"? Whatever happened to the Board of Forestry's Fire Plan Recommendation to add 44 more reserve fire engines to the Department of Forestry? Those are the resources out in the field to fight these fires. Isn't that important, too? What are we doing about that?

MR. WALT: Oh, absolutely. I would have to defer to the Director on some of that. As I recall, there were some reserve engines added. Our recommendations were not followed. In the budget, Mr. Chairman,...

CHAIRMAN SHER: ...We need those resources out in the field, as well as these inter-agency cooperative agreements, and so forth. But, we will reserve that question for Mr. Partain.

MR. WALT: I wish you would, sir, because I don't pretend to be expert in the day-to-day management of the Department; in fact, that's not our job. Our policy rule was to recommend this...

CHAIRMAN SHER: ...It was your recommendation, in other words. The Board's recommendation...

MR. WALT: Yes...

CHAIRMAN SHER: ...Okay.

MR. WALT: ...Oh, absolutely.

CHAIRMAN SHER: All right. Well, we'll ask Mr. Partain that question.

MR. WALT: To go back a bit, your letter asked about the revisions in the Subdivision Map Act to require Departmental approval of tentative or final maps for development projects located within the SRA. If SB 2190 had been signed, our answer

would have been "No". SB 2190, combined with the Board's regulation under SB 1075, would have led to an increased CDF participation in the local planning process that would have been as good as could be expected. Absent SB 2190, however, we believe that the approach suggested is one other alternative to be considered, though it probably will raise substantial opposition and leaves unanswered the question of how the Department will obtain sufficient staff to carry out this intensity of review.

The Board discussed possible solutions related to the wildland fire problem in its 1986-87 Annual Report to the Legislature. In addition to recommendations for legislation that would strengthen local planning, the Board suggested legislation of three sorts: First, disclosure. Often when people move into wildland areas, they are unaware of the extreme wildfire threat. They just assume that their property is protected by a fire department, and that a fire engine will roll up when a fire occurs. CDF has been working with the California Association of Realtors to find ways to make home buyers aware of these hazards.

Originally, the Board suggested amending real estate disclosure laws to make disclosures of fire protection the responsibility of the seller. However, based on discussions with these realtors, we are looking at other alternatives, and will provide your Committee with suggestions as they are developed. CDF is considering a new approach, as well -- the expansion of their education program aimed at the new homeowner. The new SRA property owner would be informed of the hazards and risks associated with the wildlands and what they can do to mitigate

them. Over and over, Mr. Chairman, in the "49er" fire, we hear the plaintive question, "Why didn't they tell me about this before I built my home?"

Secondly, perhaps the single most effective step that can be taken to minimize the impact of wildfire on a structure is to provide adequate clearance of flammable vegetation. State law in Section 4291 of the Public Resources Code thus requires a minimum of 30 feet of clearance. The Board, for reasons detailed in its annual report, suggested that the Legislature look at changing violations of some wildfire safe practices -- such as clearance -- from misdemeanors to infractions. Infractions would allow the property owner to pay a fine instead of appearing in court. Fines collected could be made available to the Department, or to local fire agencies, to fund additional inspection personnel. This is just one idea to be explored. But, the issue of adequate enforcement of clearance laws on State Responsibility Areas remains.

Thirdly, approximately 20% of wildland fires are started by arsonists. Forty percent of the statewide acreage actually burned comes from person-caused fires, as exemplified so well by the "49er" fire. CDF has identified several problem areas related to arson. These include: Better cross training and education of personnel -- including judicial, legal, and non-wildland fire investigators; better tracking of known arsonists; and a better evaluation and analysis system for collection of evidence. Legislation already has been proposed to deal with each of these problems; but, it has yet to pass.

Ultimately, the Board believes that the best way to minimize the threat of huge wildfires is to reduce the fuel load. The Legislature has authorized and funded a CDF program of vegetation management, historically called "controlled burning", to reduce this fuel. In the extreme, the failure to manage a fuel load can be seen in the recent Yellowstone fire. Here, the fuel load and other conditions overwhelmed us, and caused a disaster of national proportions.

Recent drought conditions have both worsened dry fuel conditions in California and made it very difficult to burn. CDF, as a result, is badly behind in its controlled burning goals and will attempt to catch up, as conditions permit. CDF and the Board are just completing an analysis of the program and will change policy, as needed, to increase its efficiency.

May I mention one concern to the Committee, Mr. Chairman? This year, the Legislature passed Senate Bill 2595, which relates to many aspects of the state's air quality program.

CHAIRMAN SHER: Mr. Walt, if you want to tie that to me, you better make it Assembly Bill 2595. (LAUGHTER)

MR. WALT: I'm sorry...

CHAIRMAN SHER: A little typographical error, there, in your statement.

MR. WALT: We feel it's a good bill, Mr. Chairman...

CHAIRMAN SHER: ...Me, too.

MR. WALT: ...But, we bring to your attention, one provision that is of concern to us. And that deals with the provision for local air pollution control districts to charge fees

for burning -- for controlled burning, particularly. We are watching implementation of your bill to see what kinds of fees will be charged for CDF's vegetation management burns, for range burning, and for burning of slash piles by timberland owners. Any fees charged against these kinds of activities may stifle landowner participation and, in effect, reduce the size of CDF's budget for its vegetation management program. Depending on the implementation of AB 2595, we may ask the Legislature to exempt wildland burning from fees. Alternatively, we may direct CDF not to approve vegetation management projects in local air pollution control districts that charge fees against such projects. I just wanted you to know, Mr. Chairman, of a concern we have over your bill.

Let me conclude, then: In graphic terms, we have a wildfire crisis in many of our rural areas. This comes because of so many people using or moving into SRA. General planning and understanding of the wildfire problem by new residents have been inadequate in the past. We have thousands of structures along ridges or in the canyons, houses sitting in heavy, flammable fuel, just waiting to be burned. I reiterate the theme that the problem is right in front of our noses.

If you are not convinced of the extent of development and the problem, fly over the Sierra front country at night and look at the thousands of lights below you. In many places, roads are too narrow and bridges are too weak to support even minimum or reasonable fire and evacuation efforts in case of a wildfire. There are hundreds of unnamed streets and there is often little

reserve water. Our experts tell us that someday, in the not-too-distant future, we will "pay the piper" for our negligence in planning for wildfire. A fire will start that will burn thousands, not hundreds, of homes, and will kill many firefighters and residents.

I think back to the Bel Air fire in Los Angeles in 1961, which burned some 437 homes. This was a condition of heavy Santa Ana winds, with which you are familiar, Mr. Frizzelle. A majority of these homes burned involved shake roofs, and a lack of clearance around them. This was a disaster. Fortunately, I don't believe that any deaths occurred. But, if this fire occurred today, in Bel Air, at the present value, loss would be something on the order of \$5.1 billion.

We're making some progress, slow though it is. We've not even begun to address the issue of how to improve development which has already slipped through the fire-safe net.

The major policy question was raised recently in an editorial after the "49er" fire in which the San Francisco Chronicle asked if we should even allow residences to be built in rural areas prone to wildfire.

We will continue to make progress, Mr. Chairman; but, the rate of progress will be determined by the political will of those who do not want to see a "wildfire holocaust" in California.

Again, thank you for your help, so far, and for your political leadership.

The Board looks forward to working closely with you in the coming months.

CHAIRMAN SHER: Thank you, Mr. Walt, for your testimony.

What's your answer to the question raised in the San Francisco Chronicle's editorial? Did it state the limits, prohibit, or put limits on the building of new structures in these wildland areas?

Do you have an answer to that?

MR. WALT: I think...

CHAIRMAN SHER: It's a hard question.

MR. WALT: I think, the answer, sir, would rest in a combination of SB 1075 and SB 2190, where we work with local planning committees, and with local government, to see that there are adequate types of precautions taken in building.

I'm told that in the "49er" fire, for example, in the review following the fire, there were 157 homes discovered that weren't even on the tax rolls of that county.

CHAIRMAN SHER: We do have limits on building homes in earthquake areas, and unstable lands, landslide areas, mud slide areas...

MR. WALT: Floods.

CHAIRMAN SHER: ...and flood planes.

MR. WALT: Yes, sir.

CHAIRMAN SHER: Doesn't the same principle...? Shouldn't it apply to building in these areas that are susceptible to wildfires?

MR. WALT: I think it is, sir.

CHAIRMAN SHER: And it is incorporated in the general plan in the zoning laws; that is one way to address it, I suppose.

That's what this legislation was designed to do.

MR. WALT: I agree, sir. The problem we're having, (INAUDIBLE) in much of this legislation, and probably the reason the Governor vetoed SB 2190 was the constant pushing down of legislation in its implementation on impoverished counties -- counties that right now are unable to enforce their own rules.

In theory, I would like to see complete control of this. The practical problems of budget and so forth are difficult.

CHAIRMAN SHER: Another kind of firestorm that you proposed that the state do is, simply take away the land-use decisions from the local government. I mean, I suppose it would be possible, at the state level, to draw up the maps, and put the limits on the buildings, and (INAUDIBLE), because it is the state agency that's expected to provide the fire protection.

MR. WALT: Yes, sir.

CHAIRMAN SHER: I think if we did that, there would be a different kind of protest from local agencies that wouldn't be costs, it would be usurpation of the traditional land-use decisions from local government.

So, it is not an easy decision.

MR. WALT: No.

CHAIRMAN SHER: But, it ought to be done...

MR. WALT: I think...

CHAIRMAN SHER: ...one way or the other.

ASSEMBLYMAN FRIZZELLE: Mr. Chairman, I think, at some point, there will be a question raised by people in Orange County and Los Angeles County of why they are financing fire protection

in Nevada County. You see, it reverts back to the general fund use.

ASSEMBLYMAN FRIZZELLE: Would you tell me, in your assessment, is there any particular kind of foliage planning, or any kind of vegetation, that can be protective of surrounding hazardous areas or structures?

MR. WALT: Mr. Frizzelle, I'm out of my depth, I'm not a...

ASSEMBLYMAN FRIZZELLE: The minimum level of 30 feet from different kinds of structures is necessary, currently. In some areas, it may seem like 100 feet is too close.

MR. WALT: Yes, that's right.

ASSEMBLYMAN FRIZZELLE: And it seems that standard maybe ought to be variable, depending....

MR. WALT: Yes.

ASSEMBLYMAN FRIZZELLE: ...on the kinds of hazards that are around.

If you have tall trees, and so forth, where you end up breeding fire storms of one kind or another, you need more space, and maybe different kinds of planning for foliage, so that you can retain moisture in the soil to some degree, and possibly offer ground cover that is not so subject to fire burning.

MR. WALT: Your point is well taken. May I give you an example, sir?

In Yellowstone Park, I inspected the Old Faithful area, because it is such a popular tourist attraction. I was told there was no harm at all, no danger to the buildings housing employees,

and the sort, because there is a major parking lot -- an asphalt parking lot -- around the area.

People forgot that in a firestorm, "spotting" will occur one-and-a-half to two miles. So, a road, a firebreak, an irrigated lawn, sometimes 30 feet or 300 feet won't do the job. But, we're recommending at least enforcement of the state rule for 300 feet of cleared land. That would be watered lawns, or ivy, or some other type of nonflammable fuel. But, I'm not expert in all of that, Mr. Frizzelle.

CHAIRMAN SHER: All right, Mr. Walt. We appreciate your coming to testify before the Committee, and your very thoughtful statement.

Our next witness is an old friend of the Committee -- a regular, you might say, before this Committee -- the Director of the California Department of Forestry, Jerry Partain.

Mr. Partain, we know that you will be leaving your post at the end of the year, and let me just take this opportunity to thank you for the cooperation you've always shown the Committee.

To borrow a phrase from one of our former presidents, "We won't have each other to kick around anymore." But, it never really was that way, because I think we had a very good working relationship. And I, for one, want to express my appreciation for your always forthright statements, testimony, and accessibility.

And I understand that you've come to us with a video presentation to begin your testimony, today. Is that right?

MR. GERALD PARTAIN: Yes, I have. My people tell me I'm supposed to read one paragraph first, though. And I do what my

people tell me. So...

I do appreciate the kind words, Mr. Chairman, and I hope that leads to gentle treatment of me today.

CHAIRMAN SHER: Based on...

MR. PARTAIN: Words are important; the treatment is more important.

CHAIRMAN SHER: Based on my track record, you would assume that would be the case, wouldn't you?

MR. PARTAIN: Yes, I don't think we've appeared together since the "Today" show, have we?

CHAIRMAN SHER: That's right. That was at 4:00 in the morning in Burbank.

MR. PARTAIN: There is nothing more exciting than that. Burbank is pretty dead, especially at 4:00 in the morning, as I recall.

Well, thank you, Mr. Chairman and Members of the Committee.

My name is Jerry Partain, Director of the California Department of Forestry and Fire Protection, better known as "CDF".

As you may know, we are responsible for fire protection on approximately 33 million acres of private and state-owned land. While our basic mission provides for our Department to protect watershed resources, our charge is complicated by providing structure protection in many rural areas which continue to see large increases in population.

I also have with me at the head table, Mr. Chairman, my Chief Deputy, Dick Ernest, and also our Chief of Planning and Fire

Protection, Mr. Jack Wiese. They're along to answer the questions.

But, first, I do have about a 10-minute video here. I'm sorry that the audience can't see it; but, we can afford only one VCR. So, we'll take a quick look at that, and then continue with my testimony.

Do we need to have the lights dimmed, or can we see it?

CHAIRMAN SHER: I think we can see it all right.

MR. PARTAIN: Fine.

There are four seats up here. And they can stand along the wall to see the video; they're certainly welcome to do that.

Basically, this was put together by our Department before, during, and after the "49er" fire. And what you're looking at here is the problem in California: Vegetation -- the heavy vegetation on steep hillsides -- with a lot of homes built in areas to take advantage of the view. And also, if you look at those homes, you see that there is vegetation that comes right up to them; they have overhangs, they're built on the ridges and the ridge tops. You look down on the heavy vegetation that exists, especially on the north, facing slopes of this area. The homes then cut out of the brush and timber areas. Narrow roads pushed through for long distances through heavy vegetation areas; this has all been burned-over. You can see the road well now; you couldn't see it all before the fire went through.

But, as a result of living at the end of those kinds of access roads to homes, you frequently see the results. Here are the remains of the swimming pool. Our people are very good at

saving foundations; we save the foundation, but not the home. So, disastrous results do come from that kind of development and building in those areas.

Talk about defensible space: Here is a road leading to a furniture factory; our engines had to go through that road to get into this building -- this particular building. And notice the vegetation around it, and the access, once in there. Then, we had to attempt to save that building. And see the fire coming up in the background, and moving very rapidly. There are two homes on the other side of the plant itself, and we're attempting to save those, as well.

What we tried to do here is wet down the homes, and backfire -- especially backfiring behind the large building itself -- the factory itself. Unfortunately, in this case, they had attempted to wet down the area -- they tried to do a good job -- and they wetted it down enough so that we couldn't get the backfires started.

Here is our crew, trying to start a backfire on the backside of that. This is the access road again. See how narrow it is. The engines and everybody were roaring in there, at this point; so, they were safer.

Here we are trying to set the backfires, and trying to wet down the building at the same time, hoping to fight the fire with the fire; but, unfortunately, we were not able to get the fire to burn as well. It rushed in so fast that our crews had to pull their hoses. And you'll see them begin to make one more attempt to try and save it; but, they decide they better get out

of there. They pull their hoses, hop on the engines, and leave, just as the building explodes into flames. And, once again, remember they have to go out the same way they came in.

They abandoned the firefighting efforts there, and this is the result: The building went up in flames in just a matter of minutes; this is what's left afterwards. It had a lot of barrels of flammable fluids inside. It's a sad state of affairs; but, that's what we run into, time after time after time, in the brush country that we're working with.

The two houses were saved, due to a combination of the water being poured on them, and the fact that the building that burned shielded the homes from the onrushing flames. And the vegetation around there helped to save the two homes.

But, if you look at the area now, you'll see how close the fire came to burning the home. Here, we focus in on one corner of the house. In a moment here, you'll see that the corner of the house was (INAUDIBLE). There it is.

But, the two houses survived; so, that was a success, due partially to our efforts, but due mostly to luck, more than anything else, I believe.

Those are the remains of the building.

Here is a chicken coop built below a garage -- a garage attached to the house: The chicken coop was built out of flimsy material, up against the vegetation; the vegetation caught the coop on fire; the chicken coop caught the garage on fire; and the garage caught the house on fire. The whole thing was lost.

You have firefighters there, and in cases like this they

feel very frustrated -- very helpless -- even with the adequate water and adequate firefighters. There's not much you can do about it when the winds are blowing the way you see it blowing here. The frustration is shown there -- standing there, holding the hose and the nozzle, and there is not much you can do about it.

We're back to the problem again: A scene showing the same scene we opened with -- these homes on the hillside ready for the next fire. I call them, "the homes on the burn list". They're the ones ready to go the next time a major conflagration of this kind comes up. They survived this one -- this is up above Lake Wildwood; they may not, the next time.

This area, once again, is showing the burned areas compared to the unburned areas. This area is just like the unburned; it happened that this is where the fire came through. You can see the remains of the buildings, as we pan through; you can also see the network of roads, totally unorganized, and unplanned, leading strictly to each individual home -- very narrow lanes cut through the hillside -- and homes, once again, buried in the trees. And the problem continues.

You see, all of these homes are ready to go in the next major fire that comes through. As we pan through there, and we move to a house there, notice it's painted pink, because the retardant is on it; that house should not have survived. If you'll notice the hillside down below, it is up above Highway 20; the hillside is steep below it, it has a large deck, and a large overhang on that brushy hillside. But, the combined efforts of

having an engine, and having a tanker drop retardant right on the building itself, saved the building.

Here is one that didn't survive, no matter how much you worked: This is called, "The Castle Up Above Lake Wildwood". We saved three chimneys. This is what the house looked like before; look at the vegetation below it. And the house is now gone; a half-a-million-dollar home.

In the fires in this particular case, we not only lost the home, we lost a fire engine -- and this was a local fire engine. Two firefighters were burned in an attempt to save this particular house; because of lack of clearance, we weren't able to.

Now, this is an attempt to show the effort that we go through: We had engines in here working; we had bulldozers in here working, and all the light brown stuff in the middle on the ground is bulldozer work. The pink -- the slight discoloration here -- is retardant dropped by the aircraft. Look at the extensive amount of dirt that we had to move to try to put a line around these homes. And some of them were saved; this one, for example: Because of all the bulldozer work around the edge of it, the home was saved; that takes a lot of effort, a lot of people, and a lot of time. In many cases, we don't have the time.

This is what firemen -- wildland firefighters -- call a "chimney"; it's a narrow valley that feeds right up to a ridge. Notice there is a house -- there was a house -- at the top of that ridge; there are bulldozer lines all around it on the lower side here. And, as we pan on around, you see that it did no good

whatsoever; the house was burned. It was too close to the edge of that "chimney", and the house went up.

Here is another one that was set back further, and we were able to save it. But, over here at the top of the "chimney", there was no way we could save it; the location had doomed it, before we ever got there.

This is a view, once again, of the area in the fire -- within the fire area; this happens to be the Lake Wildwood area. Once again, there is a cul-de-sac here where five homes were wiped out. It happened to be on the right side of the ridge with the fire approaching from that direction, and they happened to have combustible materials that easily could start a fire, and did burn there.

The Lake Wildwood area was fortunate in many ways in that some of the lots burned right down to the water line; we even managed to burn six boats. We only burned them down to the water line; we did stop it there. But, a lot more homes could have gone up.

Here, it shows again the extensive "dozer" work. And incidentally, we do go back...We have gone back and reseeded those lines already. Once the fire is over, we rehabilitate the site, as quickly as possible.

This is what is called, "The Grass Valley Group", the business group out of Grass Valley -- the "hi-tech" company. It was right in the path of the fire. You can see the black on the other side, here on the hillside. We put lines around that. We dropped a number of loads of retardant in this area to try to save

the buildings. I think they lost two or three outbuildings; but, the main structures were saved.

You'll see down at this end -- on the right -- how close we came to burning this area from here -- right from here on back. All of this has burned; we were able to save it at this end. So, this has all been burned. It takes a lot of effort -- a lot of work -- to protect areas such as that. And the more homes we build in there, the more losses we are going to have.

This is an overall view of an area that was burned -- 33,000 acres. The resources lost in that include not only the homes, but the timber -- the mature timber, and the young timber, as well -- and, perhaps more importantly, the vegetation that protects the hillsides, and keeps the stream down below running nice and clear.

This is on the south fork of the Yuba River, and as you'll see here, that whole area has been burned now. And the stream down below is subject to excessive siltation, should we have extreme rainfall -- heavy rainfall -- this winter.

You can see how steep the walls of the canyon are; so, that is another one of our problems where we sacrifice the protection of the wildland areas -- the watershed itself -- to protect the homes.

Here is a fire-safe home -- one that has a clearance around it; one that has composition roof shingles; one that has no overhang.

And here is one that is not a fire-safe home: It has brush and grass down below it; it has a large overhang and deck

here; and it has a wooden lattice work.

Here is another fire-safe home: Notice they not only have a clearance, but they have a green space around it; they have a large road access into it. And it saved them. There is black all around them. The house is saved.

Here is what happens if you don't have a fire-safe house in the Grass Valley area: That gives you a picture of what happened in the "49er" fire, Mr. Chairman.

The 1988 fire season was declared the first week of April -- the earliest opening since 1959. As we entered the second consecutive year of drought, the extreme fire conditions that existed in 1987 were irreversibly established for 1988. To date, more than 9,300 fires have burned nearly 180,000 acres of state responsibility areas this year, compared to 87,000 acres for all of 1987. This year, we are 100,000 acres and 2,000 fires ahead of the five-year average. Damage to natural resources, structures, and other improvements exceeds \$61 million. Of particular note is the heavy loss of structures. This fire season ranks fourth since 1923 in number of structures lost, and the "49er" fire ranks third in number of structures lost on a single fire.

Fire statistics for the "49er" fire and the Miller fire -- the one over at Vacaville -- reflect the following: In the "49er" fire, the cause was an illegal debris burn by a transient who has been charged with recklessly causing a fire, which is a felony. In a matter of minutes, the "49er" fire changed from a wildfire to a real estate fire, as was quoted by one of the people

on the scene. It burned 33,500 acres, destroyed 504 structures, and other improvements, including 148 dwellings. There are an estimated 7,000 structures within the perimeter of the fire. Suppression cost a total of approximately \$6.1 million and damages were nearly \$23 million.

"The '49er' fire is a classic. It's truly an interface fire, the fire of the 1990's." That was a quote by Ed Wagner, one of our rangers on the fire, early on in its history. And it is true; it is what we expect in the 1990's from now on.

The cause of the Miller fire was arson. It burned 36,860 acres, but that included extensive backfiring to keep the flames from destroying entire neighborhoods. Seventeen structures were destroyed, including seven homes. Suppression cost \$6 million, and damages were \$2 million.

These and other fires this year could not have been contained as effectively as they were without the cooperation of several agencies, including OES, the Forest Service, the Bureau of Land Management, the Corrections Department, California Youth Authority, and numerous local government agencies.

Both the "49er" and Miller fires caused significant damage to the natural resources. Valuable acres of watershed were destroyed, which necessitated emergency rehabilitation projects to prevent damage from floods and erosion. We receded 2,910 acres on the "49er" fire, and we'll recede 7,200 acres on the Miller fire next week.

The values threatened by flood in both fires were greatly increased by the urban build-up occurring in the wildland.

I might just add here that I saw figures the other day that three counties -- Lake, Nevada, and Calaveras -- are the fastest growing rural counties -- so-called "rural counties" -- in the state in percentage of (INAUDIBLE). And it's noted that one of the major fires -- the "49er" fire -- was in Nevada County. Another major fire this year, the Railroad fire, was in Calaveras County, which tells us what's going to happen in the future, I think.

The "49er" fire also destroyed 6 million board-feet of commercial timber, with the value of \$1.1 million, and an estimated additional \$2 million worth of pine reproduction.

Two other significant fires, the Fern in Shasta and Railroad Flat in Calaveras, destroyed 20 million board-feet of timber, with an estimated value of \$3.5 million; however, some of this timber can be salvaged.

Today, some 7 million residents live in over 2 million residences in the foothills or mountain areas of California; by 1990, this population will increase to 10 million. And the population invasion has brought a new fuel of homes into the wildland areas. Most people moving to the wildlands don't understand the complex interrelationship of their homes and these areas with natural fuels. Continued construction and development by people who are either not aware of, or refuse to accept, individual responsibility for fire safety in the wildlands, will result in increasing loss of life, property, and natural resources to wildfire, and will further reduce wildland fire suppression capability.

The public and the fire services can no longer simply

react to each new siege of wildfire burning in or near structures. We must press for better land-use planning and greatly-improved fire prevention. The tragic loss of homes and natural resources in recent years has focused attention on the vulnerability of homes intermixed with flammable vegetation, and the resulting effect on natural resources.

In the "49er" fire, most of the loss of 33,500 acres and 148 dwellings occurred in the first two days. During the first day-and-a-half, the vast majority -- if not all -- of the wildland and structural engines were committed to structure protection, leaving the wildfire to extend and threaten more homes, destroying more natural resources. Even with statewide mutual aid, as coordinated through OES, we can never expect to place an engine at every structure.

In the last ten years, losses to timber forge and watersheds have increased significantly, as the need to protect homes and other improvements increased. Unless dramatic improvement occurs in fire-safe measures -- fuels management around homes, and overall fuels management prior to development being allowed in the wildland -- the losses to natural resources will continue to rise, as more resources are directed to life and property protection.

We have experienced no deficiency in our firefighting resources, thanks to the Legislature and the administration. Together, you have approved augmentations of \$12 million in 1987-1988, which allowed us to place extra firefighters on engines, and extend our fire season over a longer period of time,

due to the extreme drought conditions. Our season is continuing; we have permission to extend it through this month, and we'll be looking at it on a month-to-month basis.

One step in the solution process for protecting structures in the wildlands has already begun through enabling legislation -- SB 1075. This requires minimum statewide fire-safe regulations. Section 4290 in the Public Resources Code authorizes the Board of Forestry to adopt minimum statewide regulations that provide defensible space. The crucial point of this concept is planning and building in a basic level of wildland fire protection. As we saw in the video presentation, the incorporation of defensible space as a result of prudent planning around the perimeter of a home or a development provides a margin of safety for wildland and structural firefighters. It provides a point of wildfire attack or defense; it also allows initial wildland and suppression forces to focus on wildfire control.

Wildland fire is not a new problem, but a continuing one that now has the potential to reach catastrophic levels anywhere in the state. The risk to firefighters and rural residences alike is now much greater. Our desire is to refocus initial-attack wildland engines back to wildfire perimeter control. The implication through defensible space is that we can implement changes that will reduce the number of engines necessary for structure protection.

Additionally, CDF will work with local government to include fire-safe measures and address fire-safe improvement in the land-use conservation and safety elements of their general

plans, as those plans are updated. On July 18, 1988, the Building Standards Commission adopted the State Fire Marshal's proposed regulations regarding roofing materials allowed in new construction and re-roofing in state responsibility areas. Those regulations now require that a fire-resistive roof with a minimum uniform building code rating of "Class C" be used on all construction and all re-roofing of 50% or more of any structure allowed in SRA -- the State Responsibility Area. Untreated roofing materials are no longer allowed.

It will take from 20 to 25 years for the full effect of this regulation to be realized, as roofs are gradually replaced. The State Fire Marshal and CDF are continuing their research on this subject, in order to determine if a higher standard of resistance is necessary.

We must also continue to improve our prescribed fire program. Prescribed fires for fuel reduction must be focused on the historic fire corridors within the urban interface. The Fern fire in Shasta County was controlled on one side by a recent prescribed fire. And the eastward spread at the "49er" fire was most likely precluded by previous extensive range improvement and prescribed burning activity north, at the south Yuba River, on the Reeder Ranch.

Additionally, prescribed fire can actually improve overall air quality, by burning wildland fuels under prescription, rather than under wildfire conditions. Wildfire does not obey the laws and ordinances of government; therefore, it's important that laws and ordinances must be written, implemented and enforced,

while considering the natural phenomenon of wildfire.

Thank you, Mr. Chairman.

CHAIRMAN SHER: Thank you, Mr. Partain.

Mr. Frizzelle wants to open with a question, and then I have a few questions I'd like to ask.

ASSEMBLYMAN FRIZZELLE: Some of your testimony seems to point to, not only the hazards of building in forested areas and high hazardous areas...Of course, we have to put that in context, I suppose: You have the problem of fires in forested areas; you have the problem of floods in flood plains; you have a variety of different places where people want to live, because the property affords them some kind of a view, or some kind of an advantage, as far as the esthetics are concerned.

But, I wonder if there is a system of prioritizing how we utilize our personnel, our trucks, and our facilities to fight these things. If people construct property, pretty much at their own risk, or they do it in such a manner that they understand that they cannot be fully protected in those circumstances, could that personnel have checked or held in abeyance some of the destruction that occurred if they were free to fight the fire in the forest, rather than having to defend the housing itself?

MR. PARTAIN: Well, I think, Mr. Frizzelle, the answer is, "Yes, that is true." But, how do you go about doing that? For example, I flew over the "49er" fire last week again, to get another look at it. And if you look at where the fire started, it would have been logical for us to back up to it at one particular spot, there, and put in a backfire, and stop it as it came to it.

But, unfortunately, there was a home sitting right between where we wanted to backfire and where the fire had originated. That's the kind of tactical problem that presents itself, nowadays, with people building...

ASSEMBLYMAN FRIZZELLE: The cavalier attitude, of course, is, "Burn the home".

MR. PARTAIN: Well,...(LAUGHTER) We haven't established that...Well, actually, we do have a "let burn" policy, I was going to say; but, it's where it's too dangerous for us to fight fire. But, we have not yet, to the best of my knowledge, established a policy of setting backfires that actually burn a home in order to control the perimeters.

ASSEMBLYMAN FRIZZELLE: You mentioned, in passing, this business of construction materials and safe houses, and things of this nature. In Orange County, we had, as you know, a major (INAUDIBLE) a short time back, due to roofing materials, and so forth, that spread like wildfire. We have, I suppose, local land-use attitudes; but, I wonder if we have the kinds of standards for construction of close-proximity housing.

You're addressing, mostly, forestlands, and the kinds of conditions that occur in heavily burnable, jeopardized and vulnerable areas. But, I think our housing, in close proximity to each other, presents a separate kind of addressing, doesn't it, with regulations? How can we approach that?

MR. PARTAIN: Well, I think that's true. And I would defer to the State Fire Marshal's Office, here...Well, I don't really defer to anybody, I guess -- I'm not in the habit of doing

that. I have my own opinions on that; but, they have the responsibility for following up on that.

A good example, here in Sacramento: Not too long ago, several condominiums and apartments burned in one unit, and the Sacramento Fire Chief said that he would love to be able to ban wood shake and shingle roofs from the City, as well as in the rural areas that we address. You'll get lengthy arguments from Mr. Abney, and others, who represent the wood shake and shingle manufacturers.

ASSEMBLYMAN FRIZZELLE: Well, I think we can treat them, can't we, to some extent, to make them fire retardant, and so forth...?

MR. PARTAIN: That's what is required.

ASSEMBLYMAN FRIZZELLE: It "ups" the cost. It "ups" the cost; but we've (INAUDIBLE) off a lot of things in our permit procedure that require "upping" the cost, anyway. I'm wondering...We're not just protecting our own property, in that circumstance; we're protecting the neighbors' property, and the whole neighborhood.

MR. PARTAIN: That's the point. We have some questions about the efficacy of treatments that have been used on shingles, and whether that does any real good or not, or for how long it works. But, that's for the technicians and the chemists and others to argue. Speaking for myself and for the Department, we would prefer to see no wood shake or shingles used, and then there would be no question about whether they're treated, or whether the people keep them treated or not. That's my preference. That's

the reason I say that that's not my responsibility; it just happens to be my personal feeling, after observing many, many fires in the state, and talking with some of our own people, who have observed a lot more than I have.

CHAIRMAN SHER: Mr. Partain, let me go over a couple of points in your testimony. I had a bunch of questions prepared for you about whether you had the resources. On page six of your testimony, you said that you didn't have any deficiencies in your firefighting resources; so, I assume that the impact of the Governor's veto of the funds in the 1988 budget for the 125 additional seasonal firefighters did not affect your initial attack capability on these recent fires. Is that right?

MR. PARTAIN: I don't think it did, Mr. Sher. We took a close look at that. No, we still had the four firefighters on each engine, which is what we had planned. The difference, there, between what we had asked for and what we finally got and settled for was that we drew back from a request for the latter part of the summer, for one additional firefighter on each engine, on each shift, to one additional firefighter at the station. And, since most of the time, we only had one engine in the station, that meant one additional firefighter on...

CHAIRMAN SHER: Equivalent to the same thing...

MR. PARTAIN: Yes.

CHAIRMAN SHER: It wouldn't have been enough if you'd had two?

MR. PARTAIN: No, it wouldn't. As you saw in the video, if you have half a dozen people there, handling hoses, you've only

got so much that you can do.

CHAIRMAN SHER: Well, I spoke to Mr. Walt about the reserve engines. Whatever happened to the Board's fire plan recommendation to add 44 more reserve fire engines to the Department?

MR. PARTAIN: What we ran up against were the usual budgetary problems in attempting to implement that. What we did was, as an alternative, we kept a total of 22 engines on that would normally have been recycled -- would have been surveyed out. We kept those additional 22 engines on as reserve engines this year. What we're finding, of course, is about what you would expect, that they are very expensive to keep on and continue to operate. Therefore, we will have to take a close look at how we address that. As a matter of fact, we are putting together -- and working with finance, at the moment -- a bond proposal. Everybody is putting in a bond proposal these days. But, we are taking a serious look at the concerns. That would, obviously, be one strong element included in any...

CHAIRMAN SHER: There was an old bond proposal, wasn't there, in the Department, to use bond monies to renovate some 200 fire stations?

MR. PARTAIN: Yes. We're looking at a complete package now, Mr. Chairman, that would include, not only the stations, but communications equipment, air equipment -- whatever it happens to be, except the "CL-215"; we do not have that included in the package. (LAUGHTER)

CHAIRMAN SHER: Didn't this recent Department Study

indicate that you had reservations about your current fleet of air tankers, and whether they were up to the job?

MR. PARTAIN: Yes. What we were looking at there was the long-range future of air attack and aerial work with the Department. Basically, we are reviewing right now...I hate to say, "preliminarily", especially since I'm leaving, and I'm going to leave it on the shoulders of Mr. Ernest and some of the other people around here...But, basically, what we're looking at is the potential for increasing our use of helicopters, rotary-wing aircraft, and improving the quality of our air attack planes -- those are the planes that direct over the fires. We're going for more sophisticated equipment -- those planes that tell us where the fire is, because, many times, in the smoky conditions, we can't even see the fire -- and possibly going to contracting for the air tankers, themselves, as the U.S. Forest Service does. That final decision has not been made yet, but those are some of the strong recommendations.

CHAIRMAN SHER: Is that next year, probably? In proposals...?

MR. PARTAIN. We have a three-year contract with the existing contractor operating our "S-2" fleet. That will terminate next year; next year is the last year of that. We will have to make a decision this next year as to what we do the following years. Yes, the decision will be made.

CHAIRMAN SHER: What about lookouts? Are there any negative implications for lookouts, as a result of the budget action this year?

MR. PARTAIN: No, we didn't close any lookouts this year, Mr. Chairman. That's one of my people asking me what I've accomplished and what I haven't accomplished, and that's one of my outstanding failures -- to make any change in the lookout level.
(LAUGHTER)

CHAIRMAN SHER: ...(INAUDIBLE)...

MR. PARTAIN: I've given up on that. It does not mean that we should not continue to look at those. And we certainly are, because there are many lookouts that are not effective anymore, as they used to be, as people develop around them, or as we determine lookouts that haven't reported a (INAUDIBLE) initial report on a fire in a year, and so forth. There are places that we can put our money -- elsewhere. For example, we have a camera mounted on Mount Hamilton this season that is looking for fires for us. It's an experimental thing. I brought the idea back from Italy last summer. It seems to be working well. We will be looking at application of something of that kind in the future.

CHAIRMAN SHER: Let me turn to a more sensitive subject -- that's sensitive enough, these resources to fight the fires -- the interaction of the homes and the wildlands. We, in our previous hearings, have had dialogue about the possibility of imposing some kinds of fees on those people who live in the State Responsibility Areas and depend upon the Department to protect the homes, in order to enable the Department to get additional equipment. That's one idea we've talked about.

I thought of another one today, as you were showing your video: You know, all over the state now, police departments are

trying to underwrite the costs of their services by billing people who get tickets, and who otherwise come into contact with the department. What would you think about billing these people in the wildlands for the costs of this bulldozer work -- which is very expensive, I would assume -- successful or not? Is that the kind of thing that you would support -- after the fact, after the fire -- to collect that money, and then make it available to the Department to carry out its mission?

MR. PARTAIN: You know, I never thought, Mr. Chairman, that I'd see you and the Department of Finance on the same side of an issue...

CHAIRMAN SHER: They're always against my bills; but, maybe we can find one...(LAUGHTER)...

MR. PARTAIN: They're beginning to ask us the same questions: How much of the work that we do out there is protecting the wildland resource? And how much of it is protecting the local citizen? And should we not charge for the work that we...? Now, they didn't put it in exactly those terms; but, they were asking us to justify it.

CHAIRMAN SHER: We don't want to call it "tax"; we know that.

MR. PARTAIN: No, we don't...

CHAIRMAN SHER: Call it "fees".

MR. PARTAIN: Yes, "fees".

But, that certainly is...

CHAIRMAN SHER: There are two ways: One is up front -- fees for the homes and other structures located in the State

Responsibility Areas to provide monies to provide the resources to deal with the fire prevention and protection; and the other is after the fact -- go where the money has been spent, assessed against the owners of those structures that you tried to protect.

MR. PARTAIN: We have a Collection Department now, but they focus mainly on those who cause the fires -- who start the fires and are responsible for it -- and then attempt to collect.

CHAIRMAN SHER: No, you're not going to collect a lot from this transient who did the illegal burn out there. He may end up in prison; but, he's not going to be able to contribute anything toward these huge costs and property losses.

MR. PARTAIN: No. That's true. Well, Mr. Chairman, I'd like to answer that by saying that this is one element, of many elements, that have to be put together in this state, because, it's not just that charge; it's the cost of duplicating agencies working in the same area, of fragmented fire departments and fire protection efforts, of a disagreement over who has the basic responsibility, whether it's a local responsibility or a state responsibility. All of these factors need to be cleared up on a policy -- and a legislative -- basis, one of these days.

We have started the effort, as Chairman of the Board, Mr. Walt, said. We have started it. Unfortunately, the Governor did disagree with us on SB 2190, mainly on the basis of imposition on local governments, state mandates, and the cost involved. And we were not able to identify the exact cost involved there, so that supported his position in vetoing it. But, something along those lines...Several of those need to be cleared up, at the

Legislature level.

CHAIRMAN SHER: Clearly, fires like we've just experienced provide the impetus and the momentum to do something. So, I would assume that next year would be a good time to look at some of these issues and come back to some of the initiatives. It's quite amazing to me to see the Governor veto a bill that was sponsored by the Board of Forestry and supported by the Governor's own department. But, we have to come back and revisit it and try to deal with the Governor's concerns about it.

Just before I recognize Mr. Frizzelle and his question or comment, it has been called to my attention, on the point we were just discussing, that the States of Washington and Oregon already do have a system of assessments for protection in the wildlands structures, and the owners of those structures contribute to their own protection.

Mr. Frizzelle...

ASSEMBLYMAN FRIZZELLE: Mr. Partain, I really think -- and you may agree -- that the Governor vetoed that bill because, even though it addressed the subject matter that was important to be addressed, it didn't do it in a way that was satisfactory. He felt that still more work needed to be done on it, and I think it does.

I want to ask you a question regarding the feasibility of assessment districts -- potential structures -- in such a manner that any funding that they would derive be pooled, as a resource, for maybe even these split domains, so to speak, that you referred to, where you have city or county and the state both

entering into a package of activity to fight these (INAUDIBLE). That could come out of a pool that was levied by county -- or city -- government, and still pay for some of the costs of state firefighting, as well as local firefighting. Could it not, if we could trap such funds? Is that a feasible concept?

MR. PARTAIN: Yes, it could. You see, there is such a wide variance now, from county to county, throughout the state.

ASSEMBLYMAN FRIZZELLE: But, if we determined, in legislation, that that would be the way it should be handled in those districts defined to be particularly vulnerable to this type of problem, that if you chose to build within that area, you chose to pay a portion of the cost to protect you, that in that circumstance, whether it be done by the state or the county government...?

MR. PARTAIN: ...Yes, it could be made to work. But, once again, I point out that...For example, you have Butte County and you have Riverside County, and both of those counties accept the responsibility for structure protection in the county. They tax accordingly.

ASSEMBLYMAN FRIZZELLE: Well, when they do, then they're already doing the same thing, in a sense. Instead of a special assessment district, they're adding it onto the taxpayers of the whole county, to take care of those parts of the county that are vulnerable. But, in those areas where you have joint jurisdiction, (INAUDIBLE) it seems to me that a joint assessment district that is neither structured to county nor to state, but to the assessment district itself, for that purpose, is a device that

could be used when permits are granted for building or constructing in those areas.

MR. PARTAIN: Yes. I don't see why it could not work.

ASSEMBLYMAN FRIZZELLE: But, we have to have it such that it would work as feasibly in one area as...

MR. PARTAIN: ...in another...

ASSEMBLYMAN FRIZZELLE: ...in another, not just in one area we're focused on.

MR. PARTAIN: That's right. And maybe that might bring about...For example, one county in the state that has 52 fire departments...You don't need 52 fire departments in one county. Maybe you need two or three...

ASSEMBLYMAN FRIZZELLE: Well, that's the county's problem. If they've already got that...

MR. PARTAIN: What I'm saying is...

ASSEMBLYMAN FRIZZELLE: ...the county you'd be talking about...

MR. PARTAIN: But, you see, the reason they have that is, they don't have that burden of looking at that tax, or extra revenue...They don't have the same viewpoint as you would have if you had developed a pool of money to provide the protection. But, it might resolve some of those problems.

ASSEMBLYMAN FRIZZELLE: Yeah. Okay. Thank you.

CHAIRMAN SHER: All right, Mr. Partain. Thank you very much for your testimony. We appreciate it. If we don't see you before you depart, we wish you good luck in your future ventures. And I know we'll be seeing you in one capacity or another.

MR. PARTAIN: That's right. Old firefighters don't pass away...(LAUGHTER)

CHAIRMAN SHER: We wouldn't want it any other way...

MR. PARTAIN: Thank you, Mr. Chairman.

CHAIRMAN SHER: Our next witness is Mr. David Jay, from the U.S. Forest Service.

Mr. Jay, welcome. I should have identified you more completely as the Deputy Regional Forester, U.S. Forest Service, San Francisco.

MR. DAVID M. JAY: Thank you, Mr. Chairman.

For the record...Are you ready for me to begin?

CHAIRMAN SHER: Yes, please. Begin.

MR. JAY: For the record, my name is David Jay. I'm Deputy Regional Forester, Pacific Southwest Region, Forest Service, U.S. Department of Agriculture.

Thank you, Mr. Chairman, and Members of the Committee, for the opportunity to discuss wildfire activity in California and the effect of land-use trends on wildfire protection policies and strategies.

Mr. Chairman, as part of my introduction, I'd like to mention that we manage approximately 20 million acres of public land within the state, about 20% of the land area. These lands are managed as 18 national forests. These lands do not include the national parks managed by the National Park Service, or the public lands managed by the Bureau of Land Management.

I have included, with my statement, a map and a statement of fire policies, as they're applied on national forest

lands within the state. But, I don't intend to include that in my testimony.

The Western United States experienced severe fire seasons in 1987 and 1988. Northern California was the focal point in 1987; whereas, this year's fires were concentrated in Idaho, Montana, Wyoming, Washington and, of course, with notoriety, Yellowstone National Park. More than two million acres burned this year, of which 1.6 million were in Yellowstone, and more than 24,000 people, nationwide, were mobilized to fight the fires.

California wildland agencies played mainly a supporting role in fighting wildfires this year, nationally. More than 1,500 Forest Service people from California fought fires in Yellowstone and surrounding areas, and many firefighters from state and local agencies were involved, as well.

In contrast, the fire season within California has been a light one for federal agencies. Through mid-October, wildfires burned roughly 220,000 acres in the state, as you've already heard, of which only about 41,000 acres were within areas of Forest Service protection responsibility. The burned acreage was well below our 10-year average of 95,000 acres annually, and losses of resources and property on federally-protected lands in California were much less this year than in 1987.

The number of fires is up, however, which means that initial attack has been more effective on more fires, and has kept them from reaching major size. The Forest Service has been especially fortunate this year in both weather conditions and location of fire starts, which favored rapid suppression. The

California Department of Forestry and Fire Protection has not been as fortunate, in this respect.

Although the fire hazard is subsiding this year, in Northern California, the fire season is, by no means, over yet, particularly in Southern California, where severe fires may occur under Santa Ana wind conditions through November and December.

Person-caused fires are up more than 40% this year, including a significant number of arson fires. The need for effective and aggressive arson prevention and law enforcement programs continues.

The national forests are heavily committed to resource recovery from last year's fires, and are well on the way to salvaging the damaged timber and reforesting the burned areas. This major effort was significantly helped by Senate Joint Resolution 45, introduced on May 20, 1988, which encouraged the President and Congress to support recovery efforts on national forest lands damaged by wildfires in 1987. We appreciate that joint effort on the part of both the Senate and Assembly.

California remains vulnerable to major fires that consume valuable resources, and the Forest Service continues to gear its prevention and suppression efforts to that challenge. The risk of potential losses is increasing, however, as more homes are built in the foothills and mountains. The presence of structures in a wildland setting does affect suppression strategies. Once a fire starts, fire managers must provide for structural protection, which commits suppression forces and may compromise alternative suppression strategies. Engines that might

have been available for perimeter control are often committed to structure protection, particularly during the initial stages of a fire, before engines from the Office of Emergency Services or local fire departments can be ordered and deployed.

The fires in Yellowstone focused attention on managing lightning fires in federal parks and wildernesses. The Forest Service employs this strategy on a very limited and tightly-managed basis in selected areas of the national forests. I have left copies with you of the document entitled, "Application of Fire Policies, Pacific Southwest Region", which explains the Forest Service policy and its application.

The Forest Service fire protection budget was increased by \$4.2 million in Fiscal Year 1988 to \$57 million, in our region. This enabled us to strengthen our suppression forces by adding some engines and hand crews and to upgrade some of our aircraft. We expect our Fiscal Year 1989 budget -- that Fiscal Year has just begun -- to be about the same as in Fiscal Year 1988. This reverses the past trend toward reducing budgets from year to year.

Suppression resources are approaching optimum levels, and we expect to maintain this capacity. With few exceptions, further improvement in efficiency does not lie in increasing suppression forces. Rather, there are at least two steps we can take to reduce the threat of wildfire in California: First, increased attention to fuel build-up and the application of prescribed fire to reduce fuel loadings on wildlands will enable wildland fire suppression agencies to suppress fires more efficiently, with less resource loss. This is the single most

effective agency action we can take, and we are pursuing this option within our normal budget process.

The other major step is planning for fire-safe communities on private lands. State and local agencies can help achieve this objective. Fire-safe construction and landscaping, adequate road access and water systems, and defensible space around structures to enable fire suppression forces to fight wildfires and protect structures are essential. Many developing areas are within or adjacent to the national forests, and failure to include fire protection measures when developments are planned will often affect federal lands and resources.

The California Department of Forestry and Fire Protection is prepared to offer more detailed proposals for fire-safe communities in California, and we endorse their efforts. They've been a part of this hearing already.

Mr. Chairman, this concludes my testimony, and I'm available for questions.

CHAIRMAN SHER: Mr. Jay, in your testimony, you made reference to a resolution that was introduced and passed in the State Legislature, encouraging the reforestation of the burned areas on the federal lands. Of course, I think we all support that.

There was a recent item in the press that gives me some cause for concern. It is suggested in this article in the Sacramento Bee on October 19, that reforestation efforts might be imperiled, because the funds set up have been raided, or will be raided, for fire protection costs. Do you know anything

about that, and do you agree that that may imperil the reforestation efforts that I think we both support?

MR. JAY: Let me make a comment, Mr. Chairman: Our money that is used for our fire activities comes in at least two different ways: We get money by appropriation, which is the \$57 million that I mentioned, for our essential fire preparedness. The money to pay for the actual cost of suppression is in a special fund that Congress has established, and that fund has not been established in an amount sufficient enough to cover the suppression cost over the last two years. And that's where the dollars are being borrowed, out of the monies that were collected from our land management activities for reforestation and other things.

CHAIRMAN SHER: So, the answer is ...

MR. JAY: And that is of concern to us.

CHAIRMAN SHER: The answer is, "Yes, there isn't enough provided directly for the fire suppression activities; so, you have to find it where you can."

MR. JAY: Yes, and the Gramm-Rudman response by the administration to the Gramm-Rudman Bill has been that we wouldn't ask for any supplementals; so, it would provide additional financing. So, with these two very serious years, it's of concern to us.

CHAIRMAN SHER: Would it be fair to describe the federal budgetary policy as "penny-wise and pound-foolish", or couldn't I ask you to say that?

MR. JAY: That's your statement, Mr. Chairman.

CHAIRMAN SHER: Okay. That is your statement.

Well, I appreciate your testimony. If there are no further questions, we want to express our gratitude for your taking the time to come, and for what you have said. I think it underscores what the previous witness has said.

MR. JAY: Yes.

CHAIRMAN SHER: I thank you very much.

MR. JAY: I would like to mention, as one final word, that we have really experienced excellent cooperation with the state agencies. And in my time in the state, I've seen continued improvement in that since I first began to work in the state in 1980. We're just very pleased with the kind of relationship we have, and that kind of relationship is saving the taxpayers of California a lot of dollars.

CHAIRMAN SHER: We're aware of that, and we're glad to have you confirm it. That's an important kind of partnership that we have with the federal government.

Thank you.

All right. Our next witness is Randy Roxson, State Fire Marshal.

MR. RANDY ROXSON: Mr. Chairman and Members of the Committee, my name is Randy Roxson. I'm Program Manager for the Regulations Unit of the State Fire Marshal.

CHAIRMAN SHER: I should have said, "Randy Roxson, from the State Fire Marshal's Office." Right. Okay. Did I promote you?

MR. ROXSON: Yes.

CHAIRMAN SHER: Someday, maybe.

MR. ROXSON: One of these days.

The State Fire Marshal regrets not being able to attend today. With me, on my extreme right, is Jim Wakefield. He is a Legislative Unit Manager. And next to me, is Richard Conrad. He's from the Building Standards Commission; he's the Executive Director.

CHAIRMAN SHER: Are you authorized to make controversial statements and stick your neck out, or were you told to be careful?

Go ahead, give us your testimony.

MR. ROXSON: I have prepared testimony.

CHAIRMAN SHER: Time will tell.

MR. ROXSON: In 1981, Senate Bill 78 required the State Fire Marshal to develop regulations requiring buildings located within the state responsibility areas -- known as "SRA" -- to have roof coverings and attic openings which would protect them from the threat of ignition by wildfires. This law was subsequently amended in 1982 by SB 1916, which required the Director of the California Department of Forestry and Fire Protection to classify land within the state responsibility areas, in accordance with the severity of fire hazard present.

The CDF conducted public hearings regarding designated fire hazards -- severity zones -- in 56 counties. This procedural process, which is required by law, was completed in February of 1985. The regulations adopted established three levels of zones -- moderate, high and very high.

In February of 1985, the Office of The State Fire Marshal began its Billing Standard Adoption Process, and conducted public hearings on proposed regulations establishing fire retardant roof covering requirements and fire hazard severity zones.

The State Fire Marshal's roof covering proposal, as initially introduced, would have required "Class A" roof coverings in very high hazard zones, "Class B" in high hazard zones, and "Class C" in moderate hazard zones. Support from this proposal came from the Fire Service, and opposition came from the wood shake and shingle industry, the California Association of Building Officials, and the National Forest Products Association. The wood shake and shingle industry claims that this proposal would substantially limit the sale of their product in California. The Building Officials claimed that the proposal would be hard to enforce, because maps designating the fire hazard zones were not available; additionally, identifying the difference between a "Class A" and a "Class B" would be too difficult.

In response to the comments received during the first public hearing process, a second regulatory proposal was developed calling for "Class C" fire retardant roof coverings for all buildings within fire hazard severity zones. The wood shake and shingle industry continued to oppose this requirement. Also, there was objection from the fire service, which took the position that the proposal was too permissive and that all wood roof covering should be banned.

After a considerable research and study, the Office of

the State Fire Marshal went through the second proposal, and developed a third proposal. This was similar to the original proposed regulations, with some additional clarifying inclusions. Again, it was opposed by the wood shake and shingle industry.

A public hearing was conducted in Sacramento on August 10, 1987, and the proposed regulations were heard before the State Building Standards Commission. On October 19, 1987, the Building Standards Commission gave us a conditional approval of the regulations, which were intended to take effect on January 1, 1988.

Subsequent to the Commission's approval, on January 1, 1988, the effective date was rescinded by the State Fire Marshal. The problem that effectuated the implementation of this regulation was an unexpected delay in the production and delivery of the fire hazard severity zone maps by the California Department of Forestry and Fire Protection. We could not expect local jurisdiction to enforce these regulations, unless they had ready access to the maps. Without these maps, application of the roofing requirement to a particular zone is impossible.

The condition proposed to us by the State Building Standards Commission was that the State Fire Marshal establish more substantial facts to support the application of the designated roof classifications in each zone. The recommendation by the Commission was that the State Fire Marshal form a committee of those persons directly affected by the regulation. The State Fire Marshal formed a roof covering ad hoc committee, consisting of representatives of the Fire Service, the Fire Retardant Roofing

Association, the American Iron and Steel Institute, the California Association of Building Officials, the National Forest Product Association, the wood shake and shingle industry, the Underwriters Laboratory, the wood-preserving industry, and the insurance industry.

A committee, unable to substantiate with solid data that correlation between the type of roof covering and the degree of fire hazards, submitted four proposals to the State Fire Marshal for consideration. The State Fire Marshal approved the proposed roof covering adoption, calling for a minimum of a "Class C" roof covering in all fire hazard severity zones. This proposal was brought before the State Board of Fire Services. It was approved for submittal to the State Building Standards Commission.

The ad hoc committee agreed not to oppose the State Fire Marshal-proposed regulation, with conditions that it be made very clear that this is a minimum standard and that local jurisdictions may adopt more stringent requirements. The State Fire Marshal believes that these building standards, which were approved and adopted by emergency on July 18, 1988, provide reasonable protection from exposure fires and prevent fire brands from contributing to (INAUDIBLE).

Finally, to the question of who is a designated enforcement authority responsible for the enforcement of these regulations and fire hazard severity zones: In a recent opinion and issue by the Attorney General, the responsibility was deemed to be a cooperative responsibility of both the local fire agency and the local building official. It is felt that only by these

combined efforts will these fire-safe roofing regulations be adequately enforced.

I am prepared to answer any questions that they have.

CHAIRMAN SHER: Well, I hope so, Mr. Roxson. I think the State Fire Marshal picked a good person to come and make this statement. I admire your low-key way of presenting a case -- which, to me, is a case study in frustration. Whoever presented that testimony should have expressed, if not outrage, at least concern, over the fact that it took -- since the original legislation -- eight years before we had any regulations at all. And you described, in loving detail, the slow progress, the objection of the industry and of the local authorities, the implementation problems, how people kept backing down from what they originally suggested, and that what we ended up with is what you call "Class C". Are those the final...

MR. ROXSON: Correct.

CHAIRMAN SHER: ...regulations -- these requirements of treating? Is that right? Is that what that amounts to -- the roofing materials?

MR. ROXSON: Correct.

CHAIRMAN SHER: I would call this the weakest of all the alternatives that were considered -- and even that, apparently, was opposed strongly.

So, in my view, it's a sad tale. The Fire Marshal ought to be taking an aggressive lead to make these things stronger. Is that an unfair characterization on my part of what happened here? The eight years itself is fantastic, given...I'm glad that Mr.

Frizzelle has come back, because I remember the Orange County Fire, and where this issue was raised. And I think it was Assemblyman Robinson who introduced legislation to ban the material. So, it's not a new issue; every summer, we see the fires. And we heard the testimony today that these structures now are not only something that need to be protected, but they are the fire hazard out there, and they contribute to the spread of these wildland fires.

So, to me, it's a very disappointing story, and it really, I guess, demonstrates the clout of certain interests in preventing expeditious action, and strong action that needs to be taken, to deal with this problem. I don't know whether...That's why I asked you at the beginning, "Are you prepared to agree with me? Are you authorized to agree with me?"

MR. ROXSON: Well, the State Fire Marshal began our proposal in February of 1988, once the fire hazards severity zones were established by the division of the Department of Forestry.

CHAIRMAN SHER: You can't do it on your own, though. It's the Building Standards Commission; they have the ultimate authority, is that right?

MR. ROXSON: Correct. In the rule-making process, they are the final approval authority.

CHAIRMAN SHER: Well, I don't know how better to express my disappointment in the length of time that it has taken, and the weak standards and regulations that have come out of it; but, I'm glad that you did recount it in such detail.

I don't know, Mr. Frizzelle; how do you feel about it?

MR. FRIZZELLE: I have to say that, in our county, local people have made a lot of changes, not only in the permit procedure, but in materials that are used. Many more places are being built out of ceramics -- ceramics that look like wood -- or artificial tiles, instead of wood.

CHAIRMAN SHER: Is that voluntary, or under mandates, or according to laws that have been enacted by...?

ASSEMBLYMAN FRIZZELLE: No, it's largely voluntary; but, the laws that have been enacted have prompted it, to some extent. And I believe that probably more of that is going to happen, in some areas. I noticed new roofs going on, on more and more places -- and different kinds of roofs going on -- and I have to say that the communities are responding, where they know the hazard, and where they feel that they can contribute to a solution.

But, I don't think it's a universal policy that is salable for the whole state. I think we're going to have to do it almost on a county-by-county basis, where there is not the hazard. I think the shake roofs are legitimate, and where there are potential hazards -- especially in closely coupled communities, condominiums and close houses, and so forth -- I think we've got to look very carefully, as the Chairman says, at those circumstances where they actually constitute not only a hazard, but almost a generic starting place, for problems for other citizens in that same community.

CHAIRMAN SHER: I don't have anything further to say. Do you wish to say anything further on the subject?

MR. ROXSON: Yes, one other thing: First of all, we have to remember that our State Fire Marshal standards are always minimum standards. The fire hazard severity zones were established, and there...

ASSEMBLYMAN FRIZZELLE: Let's talk for a second about minimum standards: When we set minimum standards, that's what we get -- minimum. When we set maximum standards, we get maximum -- or the maximum becomes the minimum, or whatever.

Minimum standards need to be more specific, I think. In addressing minimum standards, we have to think that what is a minimum in one place is not appropriate in another. I think we're going to have to have other kinds of definitions regarding standards. We have to talk about how closely-clustered places are, and what minimum standards are for them, and what minimum standards are when "stand alone houses" are on one-quarter of an acre, or one-eighth of an acre, and things like that. We're going to have to think in different terms, when we define what minimum standards are applied to.

CHAIRMAN SHER: Yes. I would, also. Take a message back to the State Fire Marshal for me, would you? And that is, "Get aggressive, and stand up and be outspoken on it." There are constraints, obviously, on the Marshal; but, leadership is required on these subjects, and the State Fire Marshal is concerned about fires. We have a serious problem on our hands, and we're going to need leadership in the Legislature, the Governor's Office, and the Department of Forestry. And we need it from the State Fire Marshal, as well.

MR. ROXSON: I don't know if we can do it all, and still have money.

CHAIRMAN SHER: Well, we need somebody standing up and saying, "We need action in this area."

We cut you off, and I don't want to do that; so, if you have some concluding remarks...

MR. ROXSON: Yes. I was just saying that, during the three years of study, we could never find any correlation between the fire hazard severity zones and the different classifications in roof coverings. So, because the zones are so diverse, to place a roof covering classification to those zones would be very hard to substantiate with data. The very broad ...

CHAIRMAN SHER: That's not to say that the building materials aren't a part of the problems, is it?

MR. ROXSON: No. If we have, say, a very high hazard severity zone -- it could be a timberland area, or it could be a high desert area -- the class of roof is determined by the size or brand available in that area. That's why we made a provision in the regulation to leave it up to the local authorities to provide a more stringent requirement, and that specific areas of their authority would require more protection of exposures.

CHAIRMAN SHER: Mr. Frizzelle.

ASSEMBLYMAN FRIZZELLE: You know, I'm not content with that. I think that you can do it differently. You can define what you consider to be higher vulnerability areas or conditions: Dry climate conditions that prevail in the desert is one thing; but, in high forested areas, it's another; and in closely-coupled

houses, and in certain kinds of construction, it's another. And I think that when you set minimum standards, or you establish standards that need to be adhered to by local communities, it can be voluntary, and it can be flexible. And if you define the terms properly, I believe that local general plans can contain those things without doing damage to their own jurisdictions and their ability to plan. I think we have consistently lacked the willingness, in the State Fire Marshal's Office, to define closely enough what it is we're talking about.

CHAIRMAN SHER: And if the Fire Marshal feels that it can't be done by authorization under legislation, come to the Legislature, and help us mandate it. There are people here who are willing to introduce legislation to make these kinds of designations, and to impose -- at least, generically -- some kind of minimums or maximums that have to be met, depending on the conditions.

Well, anyway, thank you for coming. We appreciate your taking the time to testify before us.

MR. ROXSON: Thanks for the invitation.

CHAIRMAN SHER: Thank you.

Our next witnesses are from the Disaster Assistance Division: The Chief, Mr. Charles Wynne; and Mr. Dick Burrows, Chief of the Fire Division of the Office of Emergency Services. Are you here as a team -- one statement -- or do you each have your own statement to make?

MR. CHARLES WYNNE: Well, Mr. Chairman, my name is Charles Wynne. I am the Chief of the Disaster Assistance Division.

And this is Mr. Bruce Kennedy, of the Department of Social Services, who has responsibility for the individual and family grant program in Disaster Relief. Mr. Burrows, apparently, was called away.

CHAIRMAN SHER: So, you're both in the same office.

MR. WYNNE: I'm with the Office of Emergency Services; Mr. Kennedy is with the Department of Social Services.

CHAIRMAN SHER: Okay.

MR. WYNNE: In the interest of time, and in the interest of the Committee, I would begin by looking at the questions that the staff proposed in their correspondence to my Director Medigovich, and simply begin by addressing the property damage levels that occurred in the various fires. Depending upon the people collecting the information, the damage was serious -- and the "serious" level is \$20 to \$25 million worth of property damage, both to individual residences, as well as to businesses, and private and public utilities, etc. That, certainly -- to me -- amounts to a disaster.

Our role in disasters begins very early: I was on the scene in the "49er" fire on Monday; but, I was also in the office on Sunday of that fire. And OES begins by staying in contact with local officials, and beginning the relief processes early -- as, "What is the situation? What is needed?" And we begin responding, through our mutual aid system. And through the activation of that system, we activated our own fire engines -- fire engines that OES pays for, and loans to local fire agencies, throughout the state. Through that system, we committed every OES

engine north of the Tehachapis, and then also activated the OES system from the Oregon Border to Kern County for mutual aid. So, we were very much aware of the situation, and very much in support of the firefighting effort.

In the actual relief area, we began, on the 15th of September, a preliminary damage assessment, which is kind of the kick-off mechanism for requesting disaster relief from the federal government, to supplement the efforts already underway at the state and local level. The Governor requested federal assistance on September 22nd, and President Reagan declared a major disaster to have occurred on September 29th. This a relatively short period of time, because even the federal government would give you 60 days to even submit the application, and we had the response back in a very short period of time.

We at OES are very much in the coordinating role for disaster relief programs. We administer no relief program ourselves; rather, we work with the local officials to establish disaster applications centers at convenient locations, ensuring that personnel from all the program areas are present at those centers, which we established in Grass Valley with (INAUDIBLE), to address the needs of disaster victims.

At the present time, we also work with the voluntary groups in the area -- The Red Cross, as well as the ad hoc volunteer groups that grew up in Grass Valley. And we collected a substantial amount of money for aid to the victims.

At the present time, the federal government, through its temporary housing program, has approved approximately 100

temporary housing grants, for approximately \$105,000 worth of assistance. In addition to that, the small business administration, which makes low-interest loans available to homeowners, has approved approximately nine applications for approximately \$212,000 worth of loans. These are figures from yesterday's close of business.

And in the individual and family grant program, which Mr. Kennedy is responsible for, they have received and processed and approved 35 applications for approximately \$150,000 worth of grants to individuals. Both the Temporary Housing Program and the Individual and Family Grant Program are grants, and the Small Business Administration Program is a loan program. In addition to that, we have been working with the National Institute of Mental Health and the State Department of Mental Health to provide supplemental funds to Nevada County, and to provide crisis counseling to the victims of the fire. This is not to say that the assistance has not been provided; we're just trying to work the mechanism to reimburse the county for the efforts that it has already made, and that's of particular concern to me.

I was responsible for some of the work in the earthquake, and I can tell you that disaster victims present some particular issues. And I think we're addressing those particular needs through that program, as well.

With that, I conclude my brief narrative of the program.

CHAIRMAN SHER: All right. Thank you for the narrative.

Let me first welcome Assemblywoman Bev Hansen, a Member of the Natural Resource Committee, to this hearing. Welcome.

ASSEMBLYMAN FRIZZELLE: I'd like to say that of all of the different services, the Office of Emergency Services seems to me to have performed better than almost any other in coordinating the activities, the facilities, and the personnel. I believe it's an agency and a commitment that really shows. And I think coordination between federal agencies and state agencies is hard to come by, and to coordinate local agencies is very difficult. And you people do a fabulous job. I just want to compliment them.

CHAIRMAN SHER: That's very kind.

MR. WYNNE: I appreciate the comment. I think it does reflect on the individuals being there on the weekends, most of the time, is difficult, at best.

CHAIRMAN SHER: Mr. Kennedy, did you wish to add something?

MR. BRUCE KENNEDY: Mr. Chairman, I did not have any prepared remarks, since this seemed to focus on the firefighting efforts. I am just here to answer any questions as to the Individual and Family Grant Program.

CHAIRMAN SHER: I just have one question, Mr. Wynne: In view of the grants and loans that are being made, will there be supplemental appropriations that will be required from the Legislature, in the coming year, on account of these recent activities in connection with the fires?

MR. KENNEDY: I don't believe so. I think we have some programs in effect that didn't even exist three years ago that will assist the counties, particularly in paying some of the bills. We certainly instituted those programs for the 1987 fires.

We will make them available as the claims come in.

CHAIRMAN SHER: Well, that's good to hear, as well. And we thank you for coming -- both of you.

Thanks for your testimony, Mr. Wynne.

MR. WYNNE: Thank you.

CHAIRMAN SHER: Our next witness is Mr. Richard Lyon, from the California Building Industry Association.

Mr. Lyon.

Is there someone here from the Building Industry Association?

Well, that will expedite the hearing, if not our mission, here.

That brings us, then, to the portion of the agenda titled, "Members of the Public".

We had a sign-up list. I have three individuals who have signed up. And I'll call them in the order they signed, if that is agreeable to the Committee Members.

Mr. Tom Parillo.

MR. TOM PARILLO: Thank you, Mr. Chairman, Members of the Committee.

My name is Tom Parillo. I am representing the California Supervisors Association, as well as the California County Planning Directors Association. And I happen to be the Planning Director in Nevada County.

Most of my remarks will pertain to the issue regarding increased involvement on the part of the California Department of Forestry, and the Land-Use Review Process. It particularly

pertains to the last question on the Chairman's list on the agenda.

I'm not going to take a whole lot of your time. I don't have a prepared statement; but, I think there are some high points that I may hit that I think you all may relate to.

The basic position that CSAC has taken, with respect to the need to provide a higher level of participation on the part of CDF in the subdivision view process, is that we feel there are adequate state laws already in place, to assure high development standards, with respect to fire safety protection in the Land-Use Review Process. And I will take a moment to highlight what some of those areas are.

It appears to us that the primary problem may seem to be in the area of budgeting and funding -- and maybe with priorities, as well, which is obviously related to budgeting and funding.

The state law -- the State Planning and Zoning Law -- provides for a variety of opportunities for considerations of wildland and urban fire considerations in the planning process. The general plan law itself requires seven mandated elements to the general plan; one of those, of course, is a safety element, and it particularly prescribes consideration and protection of the residence living within that jurisdiction, to make sure that safety considerations, with respect of wildland fire, are a factor.

The Subdivision Map Act also provides that design and review of roads meet minimum safety standards, as well. Additionally, the California Department of Forestry, under the

California Environmental Quality Act is an agency with jurisdiction by law over managing natural resources. And, of course, in this case, we're talking about the timber; we're also talking about the wildland fire area.

In that capacity, they have considerable opportunity to work with cities and counties to help identify the wildland fire hazard areas, to assist in the process of developing the standards which will help assure that communities that are intermixing or interfacing in the wildland fire areas can be developed in such a manner that high standards are met. That will take into consideration suppression factors, as well.

The recent SB 1075 provides for those standards. There are many counties and cities that are now in the process of working with CDF -- working and commenting on those regulations -- and we feel they will be an effective tool to help assist local decision-makers to communicate with the fire officials who have the expertise. And once those become in place and operative in July of 1989, we feel they'll be a long way towards taking these important factors into consideration in the Land-Use Review Process.

I think it's fair to say, too, that there may have been some missed opportunities with the veto of SB 2190; but, at the same time, I think it's really important to note that the existing laws on the books provide for the opportunities for the coordination and communication between the state fire officials and local government.

I think the point I'd like to leave with the Committee

this afternoon is: Let's use the existing system; let's use the new laws that have recently been adopted and are on the books -- with regulations coming in the near future; work with those to help local government in dealing with these important issues.

Mr. Chairman, that's the end of my comment. I am available, of course, for any questions you may have.

CHAIRMAN SHER: Mr. Parillo, did CSAC and/or the planning directors oppose Senate Bill 2190?

MR. PARILLO: No. Let's see...

UNIDENTIFIED FEMALE SPEAKER: ...Worked for the Department, throughout the process, and ended up...

CHAIRMAN SHER: For the record, and so we can record it in our minutes of this hearing, this (INAUDIBLE) from the audience, indicates that CSAC was neutral on SB 2190.

But I take it from your testimony, Mr. Parillo, that what you're saying is, in effect, as far as giving the Department of Forestry, or any other state agency, an official role in land-use decisions, CSAC's and your position is that the state should stay out of that.

MR. PARILLO: It's probably an overstatement, in terms of the way you've characterized my testimony.

CHAIRMAN SHER: I've been accused of that before.

MR. PARILLO: Okay.

CHAIRMAN SHER: It's clear it may be an overstatement. It's an overstatement, you say.

MR. PARILLO: What I'd like to do is, qualify what I already said, in view of what your response was.

I believe that there are adequate opportunities already in the books. Under the California Volume of Quality Act, a trustee agency is one who has jurisdiction, by law, over natural resources.

CHAIRMAN SHER: Let me put it more specifically: Would CSAC, the Planning Directors and/or yourself oppose legislation which gave CDF a greater role in the approval process for subdivisions proposed in state responsibility areas -- wildland areas?

MR. PARILLO: I think it would be fair to say that we would be interested in working in that area. To say that we're outright opposed, until there is something that's on the table...It would be hard to know what position those organizations would take.

CHAIRMAN SHER: That's a careful answer.

Okay, thank you.

ASSEMBLYMAN FRIZZELLE: May I ask the Chairman a question?

Is your proposal in that circumstance to give veto power, as it were, to such a department?

CHAIRMAN SHER: No.

ASSEMBLYMAN FRIZZELLE: On the other hand, if we were to define standards -- establish standards -- that, in essence, mandated a certain performance, or a certain criteria, for local government to adhere to, you would accomplish the same purpose, without having any mandatory oversight or authority to veto local governments discretionary moves.

CHAIRMAN SHER: My response would be in two parts: First of all, I don't have any proposal; it's just a general question of whether the state ought to be involved, either in the way you suggest, or as an official part of the process.

The second part of my answer is that I came out of local government, I served nine years on a city council, and I'm a strong supporter of leaving land-use controls in the hands of local government. And that's the one major...

ASSEMBLYMAN FRIZZELLE: I feel comforted.

CHAIRMAN SHER: ...area in which local government still has the responsibility, and I don't want to change it. However, I am concerned, in my present capacity, about these wildland fires. And I would worry, if I thought that -- as I think the testimony of Mr. Walt and Mr. Partain indicated -- some 20 counties have not done a very good job in addressing these questions in their general plans and otherwise. Those were the questions I had.

You did, in the general plans, say that there are plenty of good laws on the books about a safety element. Do you have an opinion about state legislation that would mandate that a specific addressing of the wildland fire question in the general plan -- adding that, as part of the safety zone, instead of just being a general mandate under the heading of safety -- stating that there would have to be a specific addressing of the fire hazard?

MR. PARILLO: Under general plan law, it provides for the requirements for seven mandatory elements. And "if the shoe fits", the area applies, in this case. If they apply to your jurisdiction, then you address them. The same is held true for

any optional element that a jurisdiction may want to deal with. It's not a state mandate throughout California; but, it's not unusual for counties to have, as an example, minimal management elements. Obviously, if it applies to your jurisdiction, and the locals decide to develop more specific regulations and policy in that regard, they can already do that with existing systems.

CHAIRMAN SHER: They can do it. But, what I'm suggesting is, how would you feel about a state law which said that in counties which contain wildland areas, as you find in the statute, those counties must address the hazards of the wildland fires in their general plan, under the safety title? You know, that's not very refined, at this point; but, would that be something that is "off the wall", in your view?

MR. PARILLO: No. I think that the state law already accomplishes that, under the safety elements specifically provided for...

CHAIRMAN SHER: Mandated, or just gives the counties the authority to do it? Is it mandated that they -- those counties which have these wildland areas, as would be defined -- must have an element that addresses the issues? Is that already in the law?

MR. PARILLO: Under the safety element, it does define one of the areas of community protection, with respect to safety, as the subject of wildland fires. And so, from that standpoint, I think it's already there. I think you're asking the question of why that needs to be strengthened.

CHAIRMAN SHER: Yes.

MR. PARILLO: I think that under the current

environment, a greater partnership is probably needed between the professionals and the California Department of Forestry, to help local government in dealing with some of these fire planning issues. Maybe that's an issue of budgeting or priorities; but, I think the ability is already there. If you feel the need to strengthen it, I would strengthen it, in view of the existing relationships between state government and local government, without usurping local authorities in those areas.

CHAIRMAN SHER: Okay. Thank you.

Mrs. Hansen.

ASSEMBLYWOMAN BEV HANSEN: My complaint of SB 2190 is the same as it is to mandate any further things to local government, where most of these fires are occurring.

Two of the major fires occurred in my district; the Blue Fire and the Miller Fire were both in my part of the district. Is that when we mandate these things, and when studies and documents have to be prepared? My experience has been that those documents sit on the shelf and collect dust, and it doesn't do anything to enhance the safety of that land and that wildfire. And most of these are occurring in rural counties -- rural counties that can't afford a \$30,000 to \$40,000 document being prepared that proves and sets out nothing new -- no information, no new coordination within local government and CDF -- except that we have to pay for those documents, and they sit on the shelf. And we mandate, and we mandate, and we mandate, and pretty soon, rural counties' hands are tied, as they are in many areas.

My experience has been that it is working well, and the

encouragement, and the incentive to continue to work towards the coordination is very, very important. But, the mandate just becomes too expensive for the rural counties, and that's where the fires are occurring.

CHAIRMAN SHER: Mrs. Hansen, if you had been here earlier, and seen the video tape with the houses built in among the forest, and heard the testimony about the material out of which they were built, I'm not sure that you would make the statement that it's working well. I mean, there were...

ASSEMBLYWOMAN HANSEN: Well, let me tell you what I think we need to do: We need to start giving CDF some additional tools to do their job. What we're doing is, we're going in there and protecting property, and then we're backfiring to catch up, and we're burning up thousands of acres of land to backfield backfire, as we protect property, as well we should. If we had some additional technology and equipment, and had some flexibility in that budget for them to do some additional things, maybe we wouldn't have to be burning up additional land to protect the property. And I think all of us want to protect all of it. But, I saw how much of that Miller Fire that we had to burn to take care of the problem, as a whole; we burned half of it ourselves. And part of it is, we just can't get into some of that rough terrain and take care of it the way we should.

CHAIRMAN SHER: Well, again, all I can say is, if you had seen the video and the access roads and the houses built in among the trees -- Mr. Partain's testimony, that these houses that escaped this time are on the "burn list" -- they'll get it the

next time, because of the way they were allowed to be built. He also said that they had all the resources they needed in their initial attack here. Those are, as you know, concerns that I've had. And I've tried to augment the budget and carry separate legislation to give the Department the resources they need.

But, when I make this suggestion, I'm not talking about studies to go on shelves; I'm talking about mandated elements of general plans, and then a mandate on the zoning authorities to enact zoning laws that are inconsistent with the general plans. That's what would be required. So, these are not studies; these are limits on where people can build houses, the kinds of materials and the access and the clearing that's required around them, and so forth.

When the fire comes -- and they inevitably come, as you tell us...Two of them were in your district. And what we're trying to find out now is how we can prevent from happening what happened in your district?

ASSEMBLYWOMAN HANSEN: Well, let me just say that I didn't get my information from Mr. Partain; I got it from the firefighters who were out on the line working, because that's where I went to visit.

CHAIRMAN SHER: They said they didn't have the resources they needed?

ASSEMBLYWOMAN HANSEN: They need some flexibility in that budget to check new technology, so that we can be looking. There is technology out there of different kinds of apparatus, different kinds of equipment that can go up terrain quickly and

carry the equipment they need, so that we don't have to burn down so many acres to protect the entire area.

Now, when we talk about requiring that, I'm sure you're talking about houses with shake roofs, and those kinds of things. Certainly, there are things that we need to do, and we need to encourage local government to require that; I have no problem with that. I think I'm referring more to: Yes, I think they will have to incorporate in a general plan some strengthening; but, let's not mandate it, because it does require a document that they have to prepare for the information, and that information is already available. We just need to find another way to do it besides requiring the county to prepare it.

CHAIRMAN SHER: I think those questions are important; but, there is also a question about whether anybody should be allowed to build a house anywhere they want. That's a question that I think needs to be addressed, too. We don't want them to build them on earthquake faults or unstable land conditions where there are landslides.

And this is a point that was made earlier: Should those who have the zoning authority have to take into account the potential for wildfires? And, as Mr. Frizzelle and I have both pointed out, houses in these areas not only become a problem when fighting the fires, but they become the cause of the fires. When a fire starts in one of these houses, it jumps to the wildlands, and it actually becomes the cause of the fire.

Well, Mr. Parillo, we've provoked a very stimulating debate here between my colleague and myself, and we appreciate

that. But, I guess we should go on now to Mr. Schultz, Supervisor from Nevada County, who is the next witness.

Supervisor Schultz, welcome.

MR. BILL SCHULTZ: Thank you, Mr. Chairman.

I'm going to make myself popular, "right out of the shoot" here, because I agree with Assemblywoman Hansen, as well as you, when it comes to some of those controversial issues. I don't agree with the mandates a lot of times; but, I do agree that we need some additional protection.

And I think one of the statements that you make in the very ending there is, should we allow people to build houses in places that are unprotectable, or something of that nature? And I think that as long as those are mitigated out -- if they're going to build on a earthquake fault -- then I don't see anything wrong with it. And there again, I don't see anything wrong with building a house in a high hazard area, as long as it's mitigated. And those things are in place at this time, and have been in place for a number of years.

In 1965, the Forest Service, the CDF, and the County Supervisors Association put out a book, in order to address some of those problems. That book is still in existence, and I have quite a number of copies. But, if we were able to follow the Public Resource Code, as we should, and clear out 30 feet around our homes, and have a good ingress and egress, and keep our roofs clear of pine needles, leaves, and things of that nature, then I think we would do a lot to mitigate these concerns.

And I would like to report to you, which will probably

make you very happy, that Nevada County, two weeks before the "49er" fire occurred, passed a "Class A" roofing ordinance. And through that, the Fire Marshal's Office had colored a part of Nevada County red -- but not the entire of Nevada County. And we did that, and passed the ordinance for the entire county, not just certain areas.

A disaster, such as we had in Nevada County, made us all more aware of the dangers of living in a rural area, in a rural setting. And taking measures to mitigate the threats of fire, as we have -- and the public resources code, as I said before -- addresses that. Ninety percent of the "49er" fire that burned was in my area, and I am totally aware of all those problems.

After the ashes cooled off, we had some criticism: We had some people who were critical of CDF, and critical of our local fire departments for some of things that they did, not understanding all of the time that some of the things that took place were unavoidable. We had fire engines show up from Contra Costa County, for instance, that didn't have pumpers on them. People expect every fire engine to have a pumper on it. Well, that's not necessarily true. And they were asked to fight fire in places that they couldn't get to. Homes burned in a lot of places where...Again, 90% of the homes that burned were not mitigated in any way. And if you look at the fire area today -- when you looked at the video -- those 90% of the homes were not mitigated in any way.

There were some mistakes in the fire; there are bound to be mistakes in a disaster of that magnitude. The figure of 157

homes that were not on the tax roles is a little high, in my opinion. That has yet to be determined.

The Board of Supervisors has made a lot of concessions for the fire victims. We've passed a non-building fee -- they don't have to pay any building fees at all to rebuild. The town has come out, as a whole; in one day, they collected \$100,000 at the fairgrounds for fire victims.

We've got a wonderful county; but, I think we still have to look at what our priorities are, and we certainly have to take more personal responsibility. So, I have to thank Wally Herger, at this point, for being able to "fast track" through the "Feds" our federal assistance program, because he walked that right on up the line. I do appreciate that, and I need to make that public.

Thank you very kindly.

CHAIRMAN SHER: Let me just ask you one question about your statement that you think people should be allowed to build anywhere, so long as mitigation takes place -- and that would include access roads, and so forth: Would it also include the point that was discussed a little bit earlier, and that is a requirement that people who build in the state responsibility areas pay some sorts of fees to support the firefighting activities of the California Department of Forestry?

MR. SCHULTZ: I've run that around in my head a time or two, and I'm not really sure about that one. I would have to pass on that answer; but, there is a possibility that I would feel that way, yes.

CHAIRMAN SHER: Okay. Thank you.

MR. SCHULTZ: Thank you.

CHAIRMAN SHER: Any other questions?

All right. Thank you.

The next witness is Mr. Steven Enos, from the U.S. Forest Service.

Mr. Enos.

MR. STEVE ENOS: Good afternoon.

My name is Steve Enos. I work for the U.S. Forest Service. I'm not representing the U.S. Forest Service today, though.

I've got 13 years of firefighting experience as a wildland firefighter, and the last two years I've spent putting a fire engine in the Nevada City area, and working in the area of fire prevention.

The basic problem that I think we're talking about today -- or Mr. Sher is talking about -- is, do we need more regulations, or is somebody going to enforce what's already there? People aren't complying with the rules that are already there, and they're going to go ahead and do what it is that they want. I've seen houses get burned down, and a year later, they'll build in the exact same spot, and use the exact same materials that they used the first time.

The Pebble Beach fire that we had earlier...I'd love to go back down there, and see what those people are going to redo, and how they're going to rebuild. They're going to go ahead and rebuild, and they're going to put shake roofs back on their house, because they like the way that they look. I pay insurance, and so

do they -- we all pay insurance; we're all going to help pay for them to build those nice new homes. They'll rebuild with the same materials, in the same location -- they'll do it two or three times. You can tell them what will happen, and they can watch their neighbor's house burn -- they'll still do it.

Earlier in May, the Forest Service and the Tele National Forest put together a four-page newspaper that was distributed to some 46,000 people in the Grass Valley-Nevada City area, outlining what it is that they need to know about saving their houses. This flier went out to the people, and was available to the people in the Lake, Wildwood, Grass Valley, Nevada City, and Penn Valley area where the fires took place. I helped fight that fire. Those people didn't follow what it said in here; if they had, we probably could have saved some more houses.

The fire engine that I normally run was the very first engine that attacked the fire when it happened on Highway 49. I wasn't on the engine that day, but my engine was the first one there. We had (INAUDIBLE) mile an hour winds, and there was nothing that was going to stop that thing; but, it got a lot bigger, because resources had to be allocated to save the houses. The engines were committed to the houses; they were "leapfrogging" from house to house, and were refrained from fighting the fire in a normal fashion. If the houses weren't there, that fire probably would have only gone a thousand acres; it wouldn't have gotten out of the drainage that it started in. But, because we had to start going ahead and taking into consideration that there were houses, we started protecting the houses, and we let the fire run its

course, up to the point that it was finally corralled, two or three days later.

There is a big difference in public education and compliance by the people. We can tell them; I spent two years trying to tell people what they should and shouldn't do. Their compliance is purely voluntary; if they don't want to do it -- if they don't want to comply -- they really don't have to do it. I don't have the "teeth" to be able to issue -- through the steps it takes me to issue -- a citation to enforce the public regulations, requiring them to make those changes.

For example, in Nevada County, when you have a couple of people get murdered there, they don't have the money to hold murder trials, much less, go to the District Attorney's Office to get some "teeth" to make somebody clean up their yard because it's a fire hazard. But, when I go in and try to protect their houses, and I'm faced with the decision between saving a house with a shake roof or one with an asphalt roof, I'm going to try to save the one that I know I can save. And I've done that before; I've gone ahead and let one house burn while I've saved the second one, just because of the difference in the type of roof. It's not a decision I like to make. If we didn't have shake roofs, I'd be a lot happier -- I'd be a whole lot happier.

There were houses in the Penn Valley, Lake, and Wildwood area that not only had shake roofs, they had shake siding; I couldn't believe it. There were houses that actually had busted-up bails of straw pushed up to the sides of the houses to provide mulch for their flowers; I couldn't believe that, either,

and neither could some of the camera people we took out on the fire to show them around. They were amazed at what was going on out there. How can these people be so ignorant as to do something like that?

Many of the homeowners and vacationers -- and this is how the article starts off -- who come into the foothill areas, are moving from a residential area in the San Francisco Bay Area, or Sacramento. They move up to the hills, and they don't even know what the dangers are. Then, once they are educated, it seems like they don't do much about it, and it's real unfortunate. They like to build their houses on hillsides, on the tops of hills, in the very worst places humanly possible, to have them destroyed by fire. It has amazed me when I've seen this happen. Something needs to be done.

I'm at the very, very bottom of the spectrum; it's my job to go out and talk to the people. I drive around in a green truck now; I use to drive around in a red truck. I spent three years with CDF, and ten years with the U.S. Forest Service. I'd drive up, I'd talk to the people, and I'd tell them what they needed to do. Most of them comply; but, it's all voluntary. We need to and have some more "teeth" placed to make something happen.

Where I've worked, in the last five or six years, there was a reduction in manpower and equipment: My engine went from what they call a "Model 60", which is a 500-gallon fire engine that holds five people, to a "Model 20", which holds three people and 200 gallons of water. The difference between 200 and 500

gallons can mean a whole lot; the difference between three people and five people means the world. When I pull up with three people -- if I'm in charge -- I'm calling in air tanker support, and I'm making decisions about what tactics are going to be used; I've got to have somebody running the operation of the fire engine; and that leaves one other person to go ahead and lay fire hose. It can't be done. The technology that we had in place before that worked; but, with five people, we can do a lot better job.

CHAIRMAN SHER: Are you describing your present equipment for the system?

MR. ENOS: Yes. About five or six years ago, the Forest Service went through -- at least, what I saw, anyway -- a reduction in manpower, money, and equipment for firefighting. And that's when we went ahead. And in some places -- and I can only speak of where I've worked -- we went to smaller fire engines and smaller crews; in fact, fire engine crews were cut. The last couple of years we've been coming back -- at least, where I've been working; we're starting to get more people. But, it's still real prevalent. The engine that I used to have was 500 gallons and five people; the engine that I have now is three people and 200 gallons of water.

The state needs to be concerned. And I know a couple of instances with that, because we get what we call, "green book money"; the state pays the U.S. Forest Service money each year to help with the protection of wildlands and private property within the boundary in the National Forest. They don't have real access,

and if a CDF engine down the road leaves, we're ordered to go cover their station for them, to provide protection for that area. While that CDF engine is gone, we take one of these small engines and put it in its place; it's in no way comparable with what used to be there.

If I could have a couple of things happen overnight, I would like to have my five people back, and my larger fire engine back. I'd like to have more helicopters and more air tankers available to me. And from a prevention standpoint, I'd like to have some way for me to enforce the rules that already exist, instead of giving me more rules than there are now.

CHAIRMAN SHER: Mr. Jay is still here, and hears you, right?

MR. ENOS: Unfortunately, I don't know if that's a good or a bad thing, since he is my boss.

MR. JAY: That's a good thing.

CHAIRMAN SHER: Right. He understands that you're speaking as an individual, and for yourself, and not purporting to speak for the Forest Service.

MR. ENOS: Ms. Hansen had talked about suppression technology, and we're on the eve of some new things happening: Some other departments, and some other states, have done some real good things with foam, for instance: Foam is induced into the water, it comes out of the nozzles, it lays a 12 to 14 inch layer of foam on top of whatever it is that you shoot on, and it stays in place for an hour or two. We've experimented with it, and we're trying to implement some foam systems on our fire engines.

We have chemicals that we can mix with water that make water wetter; that helps it penetrate more.

The technology has really been amazing, the last few years, and we would really like to see money available to use some of this. But, I went from a big engine to a smaller engine; so, asking for foam technology is a little low down on the list right now. I was talking about the "green book money", and I think the state should seriously look into, on some occasions, how that money is being spent, and what it is that they're getting for their dollars.

Where I work, the engine that I use to cover the CDF engine when they're gone is less than half of what they would be having; whereas, five or six years ago, before the cuts came, it would have been comparable. There is also a major discrepancy in the pay system between Forest Service Federal Firefighters and California Department of Forestry Firefighters. It is absolutely amazing: There is anywhere from a 40% to a 70% difference for the same positions in pay.

CHAIRMAN SHER: Which is better?

MR. ENOS: CDF is a lot better.

CHAIRMAN SHER: How come you left CDF, and went to the Fire Service? We need you back.

MR. ENOS: I fully enjoy the fact that I switched, for a lot of reasons.

CHAIRMAN SHER: Well, we won't go into those here.

MR. ENOS: Most people you meet who fight fire are not doing it for the money. Last year, we lost 13 firefighters in the

state; this year, I've got two personal friends who were injured fighting fires. They're not there for the money. They've all done it 10, 12, 14, 16 years; most of them work seasonal. I get laid off three or four months out of the year, and I'm a 10-year employee. I do it because I really enjoy the work, and I get satisfaction out of doing the job.

The difference in pay is prevalent: For instance, if you look at the list of CDF people who take the engineers' exam when it comes up, I bet that 70% to 80% of them are Forest Service employees, and the only reason they're doing that is because they're looking for a little better standard of living.

Now, I'm in real trouble.

CHAIRMAN SHER: No.

MR. ENOS: The Forest Services recognizes that; they have done studies on that and their implementing procedures, and hopefully, will do something about that. And I have all the faith in the Forest Service that that will take place here, sooner or later.

But, after 13 years of watching houses go up and not being able to do anything about it, and feeling good about the ones that we save and bad about the ones that we lose, if you get rid of the shake roofs and you give us some way to implement just what's already there, it would go a long way toward making me sleep a lot better.

CHAIRMAN SHER: Well, thank you very much for your testimony. I think it's important and notable that you came to testify before this Committee. We appreciate it. It gives us a

perspective on the situation that we wouldn't otherwise have. So, you're to be complimented for making the effort, and taking the time to do that.

Ms. Hansen.

ASSEMBLYWOMAN HANSEN: I agree with that. Thank you for coming. Your testimony is really valuable. I hope your boss was listening very carefully. This is the kind of person we like having out on the line.

I do have a question for you, though.

MR. ENOS: Surely.

ASSEMBLYWOMAN HANSEN: Okay. When you talk about the problems of saving the home, is more of the problem in the construction phase, in terms of the materials that are used, such as the shake roofs that you've mentioned -- and we're aware of that -- or in the compliance, in terms in the individual's responsibility toward clearing pine needles out of the eaves, and all of those kinds of things?

MR. ENOS: There are a couple of phases you can go through. I belong to the Californian/Nevadan/Hawaiian Fire Prevention Committee, which is going to be meeting in Reno, a little later this month. Last year's topic, for three days, was "Wildland Urban Interface", and what it is we're going to do. They started out by reading a synopsis of what is the Wildland Urban Interface, and then found out that it was written in 1928. Nothing has changed, and it addressed the fact that all that we were hearing -- at that time, even -- was rhetoric: "The problem is there -- it exists, it's going to get larger." But, there was

not a whole lot being done. The thing was written 30, 40, or 50 years ago. It's amazing that they did the same thing back then; they were discussing the problem, but nothing was actually being taken care of.

If the people would follow what was in this little handout -- and I'll leave these for you -- they would be a whole lot better off. It says, "Don't build your houses on top of hillsides", and "If you do 30 feet of clearance below you house, and it isn't adequate, maybe 200 is what you need." And everybody wants to have porches and decks that overhang their master bedroom and their dining room, overlooking their view; but, box those in, so that the fire can't impinge on the bottom of the open decking. It tells you to cover your vents up with screens. It's all really simple stuff. You know, some of the stuff doesn't cost a whole lot of money.

Last year, during the conference, we toured a brand new development that is just east of Reno -- I can't remember the name of it. If anybody gets the time, they might want to go see it; it was really, really nice. It cost a whole lot of money to do it, but they built in a lot of safeguards and requirements into the construction of the new development. There are greenbelts, there are fire lanes, there is all the good stuff that is a fireman's dream; everything that you could possibly ask for in a housing development was there. But, it cost a whole lot of money; those houses were \$300,000 and \$400,000 homes. Those people won't worry about cleaning the leaves off their roofs; they'll have somebody else do it. Most of the people who lost homes in the fires will

be pretty good about cleaning up, if you go ahead and you talk to them. I couldn't give you percentages of compliance; but, most of them will do what it is that they want to do.

You saw the pictures -- Mr. Partain's little movie. I didn't even need to look at it to know what it is, because that's what I'm with all the time: Little narrow roads that are overgrown with vegetation; houses that are on the hillside; people who love to have their brush right up to their house, because it looks nice. Everybody wants their little piece of the forest -- they really enjoy that. They're not really aware of what's going to happen; but, when it does, you can go back three weeks later, and they're back, doing the same thing again.

CHAIRMAN SHER: Thank you, again, for your testimony, Mr. Enos.

Our last witness who signed up is Jolyon Pehrson.

Welcome.

MR. JOLYON PEHRSON: I was asked to come here...

Excuse me. My name is Jolyon Pehrson. I live in the burned-out area that you saw on the TV screen there. I've been asked to come here by the group of critics of the fire of our area that the Supervisor was talking about, a minute ago.

I think you had your questions here: Do they have the means to "prep" a fire? And does a forest (INAUDIBLE) prepared for the fire? Well, as far as I can see, they're definitely not prepared for it.

I witnessed that fire from earlier that morning. And it was over an hour before a borate bomber hit that fire. Then, as

the day of the fire progressed, we called the CDF several times, and we called the Sheriff's Department, and asked, "Do you have any evacuation for this area?" And that was the area you saw on that film. And they told me, "Stay where you are; there is no evacuation there."

The last time I called was about 12:30, and they told me to, "Call the Sheriff's Department; we don't have an evacuation plan for you at all." I called the Sheriff's Department, and they said, "No, the fire is in North San Juan; it's far away from you." At that time, we left; we just beat the fire to our corner.

And another thing I'd like to mention is that not one fire truck came into our area at all. There's not one drop of borate on our area. There are 13 homes. Mine is one home that survived the fire. My shop burned; but, 13 other homes burned to the ground right around me.

We would just like some answers to a few very simple questions: What time was that fire turned in? What time did the borate bomber hit it? And why weren't we warned, even when we called and asked what was going on? They said nothing; "No problem."

CHAIRMAN SHER: That was the CDF that you called?

MR. PEHRSON: Both the CDF and the Sheriff's Department.

CHAIRMAN SHER: And the Sheriff's Department.

MR. PEHRSON: Now, these are recorded calls, and they're on there.

Another thing, too, is that there is not just one fire; there are two fires. I called the CDF at the "49er" station

around 8:30 in the morning, and no one answered the phone; there was no one there. I waited a few minutes, and I called back; there was still no one there. I heard there was a parade in Nevada City, and there was a pancake breakfast for these guys that morning.

When I finally called and got a hold of Banner Mountain Lookout, he said it was a small five-acre fire over on Tyler Foot road. When I went up the hill to my neighbor's house that looks right down on top of this entire area, there were two fires at the time. When I talked to Mr. Poli -- I believe that's his name -- in Nevada City, who claimed to be "where the buck stops", he said, "Yes, there are two fires, and there is no way that the one fire can spread to the next."

If you were watching it like I was, one fire was here and the smoke was coming this way, and one fire was set back and coming this way. There's no way, you know? And yet, one of the spotter planes said that he saw a white pickup leaving; no one made any attempt to stop that pickup. There are several miles of road where you can't turn off anywhere. Lake Wildwood could have blocked one end easily, and the security police there, at least, could have taken the guy's number down. But, on the radio, no one said anything about it. If anyone had a memory of anything, it was suppressed.

CHAIRMAN SHER: So, you have some questions that you would like the answers to.

MR. PEHRSON: Yes. Just simple questions. Not me -- our group. Like I say, we're all residents within the fire.

We've asked Mr. Chandler and Mr. Doolittle to just have a small inquiry into it, because every time we talk to the Forestry, or the CDF, they don't give us any answers. And they canceled our meeting.

CHAIRMAN SHER: Well, my very able staff member here, Jeff Shellito, who put together the briefing paper -- a very good briefing paper -- on this for the Committee, says that we will incorporate your questions in a letter to Mr. Partain. We'll try to get answers to your questions, and then forward them to you for your group. We don't have the answers today; but, we'll try to get them.

Thank you.

MR. PEHRSON: Well, I wasn't really looking for answers today; I'm just looking for the record. I'd like to have just the taped records of those conversations, because, at that point, I was getting pretty confused. We were watching the fire across the canyon over here -- you could see it coming our way, and we were saying, "Do you have any plans here?" "No."

CHAIRMAN SHER: Okay. Thank you for coming to testify. We'll do our best to get some answers to those questions.

MR. PEHRSON: Okay.

CHAIRMAN SHER: That's our last witness, colleagues. And that brings to a close this hearing.

It is, obviously, an ongoing problem; this is not the last we're going to hear of it, because these fires will continue.

What we'll be looking at in the coming session is whether there is anything that we in the Legislature ought to be

doing to try to follow-up on some of the issues we heard today.
That will be something, I'm sure, that we will all want to work
on.

Thank you for coming.

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Application of *Fire Policies*

Pacific Southwest Region, USDA Forest Service

The roots of professional forestry in America trace back to traditional methods of forestry in Europe. This tradition gave early American foresters a vision of fire-proofed forests, and a feeling that there could be no professional forestry without the control of fire. Effective fire protection became the foundation for natural resource investment, intensive management and sound land stewardship. Organized fire suppression was founded on the premise that control of the occasional large catastrophic fire was most effectively done by 'hitting them hard and keeping them small.'

Through years of development in techniques, equipment and capability, Federal and State wildland fire protection agencies became very proficient. This efficiency resulted in the exclusion of large catastrophic fires from some areas, and created unnaturally large buildups of fuel in some instances. In addition to suppressing fires caused from carelessness, the normal pattern of lightning fires was altered through aggressive suppression of all fires. In recent years, land management agencies have acknowledged, and begun to provide for, the natural role of fire in wildland ecosystems. Land management plans for national forests must document any proposed use of unplanned ignitions, such as lightning, within designated Wilderness, and management of unplanned ignitions from lightning is specifically encouraged in Wilderness fire policy. The objective of fire management in Wilderness is to permit lightning fires to play, as much as possible, their natural ecological role.

Such fires are not allowed to burn unchecked. Highly detailed prescriptions are developed for continuous assessment of every lightning fire. These prescriptions include air quality constraints, burning conditions, fire and weather history, limitations on size and intensity, probability that the fire will remain within acceptable limits, safety of the public and firefighters, and availability of suppression forces if the fire exceeds its parameters and must be suppressed. Such fires are monitored continuously to ascertain the current and expected conditions. Any time the fire exceeds these parameters, it is declared a wildfire and is extinguished by the most efficient and effective means under current and expected burning conditions. Given these conditions of acceptable prescriptions, the Forest Service cannot acknowledge the existence of any 'let burn' policy, which implies allowing fire to burn without management concern or direction.

The appropriate suppression response for every wildfire will dictate the kind, amount and timing of suppression forces that meet fire management direction, under current and expected burning conditions. The response may range from a strategy of prompt control, to one of containment or confinement. Confinement limits fire spread within a predetermined area, principally by the use of natural or preconstructed barriers, or environmental conditions. Containment involves surrounding the fire, and any spot fires, with control line as needed. Confinement and containment strategies are employed when they are determined to be the most cost-efficient means of suppressing a wildfire. These strategies have been used effectively in California.

While lightning fires can be managed under the limited conditions described here, the prevention of person-caused fires remains a vital part of resource protection. Fires caused by carelessness pose serious threats to valuable public and private resources, life and property. Smokey Bear's message to 'Prevent Forest Fires' is as important today as it was years ago. The limited application of natural fires within Wilderness presents no conflict with the prevention of person-caused fires.



